

In accordance with the Associations Incorporation Reform Act 2012

RULES and REGULATIONS

For the

BULL TERRIER MINIATURE CLUB OF VICTORIA INC

A0036192W

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	3
1 Name	3
2 Purposes	3
3 Financial year	4
4 Definitions	4
PART 2—POWERS OF ASSOCIATION	6
5 Powers of Association	6
6 Not for profit organisation	7
PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES	7
Division 1—Membership	7
7 Minimum number of members	7
8 Who is eligible to be a member	7
9 Application for membership	7
10 Consideration of application	8
11 New membership	8
12 Annual subscription and fee on joining	8
13 General rights of members	8
14 Categories of members	9
15 Rights not transferable	10
16 Ceasing membership	10
17 Resigning as a member	10
18 Register of members	10
19 Expulsion of a member	10
Division 2—Disciplinary action	11
20 Grounds for taking disciplinary action	11
21 Disciplinary subcommittee	11
22 Notice to member	11
23 Decision of subcommittee	12
24 Appeal rights	12
25 Conduct of disciplinary appeal meeting	13
Division 3—Grievance procedure	13
26 Application	13
27 Parties must attempt to resolve the dispute	13
28 Appointment of mediator	13
29 Mediation process	14
30 Failure to resolve dispute by mediation	14
PART 4—GENERAL MEETINGS OF THE ASSOCIATION	14
31 Annual general meetings	14
32 Special general meetings	15

33	Special general meeting held at request of members	15
34	Notice of general meetings	16
35	Quorum at general meetings	16
36	Adjournment of general meeting	17
37	Voting at general meeting	17
38	Special resolutions	17
39	Determining whether resolution carried	18
40	Minutes of general meeting	18
PART 5—COMMITTEE		18
Division 1—Powers of Committee		18
41	Role and powers	18
42	Delegation	19
Division 2—Composition of Committee and duties of members		19
43	Composition of Committee	19
44	General Duties	19
45	President and Vice-President	20
46	Secretary	20
47	Treasurer	21
Division 3—Election of Committee members and tenure of office		21
48	Who is eligible to be a Committee member	21
49	Positions to be declared vacant	21
50	Nominations	22
51	Election of President etc.	23
52	Election of ordinary members	23
53	Ballot	24
54	Term of office	24
55	Vacation of office	25
56	Filling casual vacancies	25
Division 4—Meetings of Committee		25
57	Meetings of Committee	25
58	Notice of meetings	266
59	Urgent meetings	26
60	Procedure and order of business	26
61	Use of technology	26
62	Quorum	26
63	Voting	27
64	Conflict of interest	27
65	Minutes of meeting	27
66	Attending Meetings and Leave of absence	27
PART 6—FINANCIAL MATTERS		28
67	Source of funds	28
68	Management of funds	28
69	Financial records	28
70	Financial statements	29
PART 7—GENERAL MATTERS		29
71	Common seal	29
72	Registered address	29
73	Notice requirements	29
74	Custody and inspection of books and records	30
75	Winding up and cancellation	30
76	Alteration of Rules	31
77	Making and Changing Bylaws	31
PART 8—BYLAWS		31

Model Rules for an Incorporated Association

Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is "Bull Terrier Miniature Club of Victoria Incorporated" A0036192W.

Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

2 Purposes

The purposes of the association are—

- 2.1 To affiliate with the Victoria Canine Association Inc t/as Dogs Victoria.;
- 2.2 To promote and encourage the breeding of Bull Terrier (Miniatures);
- 2.3 To not knowingly breed or cause to produce a Bull Terrier Miniature affected by Primary Lens Luxation (PLL);
- 2.4 To promote and raise the standards and exhibition of registered Bull Terrier (Miniatures);
- 2.5 To promote the holding of exhibitions under the VCA Inc. Rules and Regulations and to conduct exhibitions and to promote Obedience training and promote other VCA Inc. activities;
- 2.6 To foster, promote and protect the interest of exhibitors of dogs at exhibitions of Bull Terrier (Miniatures);
- 2.7 To collect, verify and publish information relating to dogs and the breeding and exhibition of Bull Terrier (Miniatures);
- 2.8 To educate and encourage members, breeders and judges to abide by the requirements and standards approved by the VCA Inc. for the conducting of exhibitions and shows;
- 2.9 To promote good fellowship and sportsmanship amongst members and those participating in or attending exhibitions and shows;
- 2.10 To inform members of and make known to them the Laws and Regulations of the State relating to the ownership and care of dogs, and the responsibility of owners for the behaviour and actions of their Bull Terrier (Miniatures);
- 2.11 To hold functions and lectures relating to Bull Terrier (Miniatures) and to the purposes of the Association generally;
- 2.12 To provide awards and donate prizes for breeders and exhibitors of Bull Terrier (Miniatures) at exhibitions and shows;
- 2.13 To foster relations with other Associations and bodies having similar aims;

- 2.14 To promote and assist worthy causes, as agreed at a general meeting of the members of the Association;
- 2.15 To invest the funds of the Association not immediately required in such manner as the members, or the committee (in lieu of the members) shall determine;
- 2.16 To purchase, hire, lease, etc. and do such things as are conducive or incidental to promoting and achieving the purposes of the Association;
- 2.17 To carry on such other activities or promote or encourage interest in the breeding, upkeep and training of and the general well-being and improvement of Bull Terrier (Miniatures), and to do all such other things as may be necessary or conducive to carrying out the objectives of the Association.

3 Financial year

The financial reporting year of the Association is each period of 12 months ending on 31st October each year.

4 Definitions

In these Rules—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

affiliation means to become affiliated with the Canine State Regulatory body for Victoria;

ANKC means the Australian National Kennel Council;

Annual General Meeting means a meeting of the members held in accordance with Part 4 General Meetings of the Association, Rule 31 Annual General Meeting;

application for membership means submission of prescribed forms requesting membership; can include application for readmission to membership;

associate member means a member referred to in rule 14(3);

auditor means the Auditor approved or re-appointed by the members at the Annual General Meeting of members;

ballot means receipt of voting , voting, poll or polling;

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 45;

club means the Association otherwise known as the Bull Terrier Miniature Club of Victoria Inc;

Committee means the Committee having management of the business of the Association;

committee meeting means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

controlling body means the state control body or ANKC;

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 24(4);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 21;

disqualified member means a person who has been disqualified, suspended or deemed to be otherwise ineligible by either the State Controlling body to take part in exhibitions held under the rules of the of the controlling body for the term of such disqualification, suspension or ineligibility; or any member who has been disqualified or suspended by the club to participate in members competitions or receive discounted entry as a privilege of membership.

dual membership means one of any two members of the one family resident at the same address or one of any two persons who are partners in the conduct of a kennel having a kennel prefix in their joint names registered with the State Controlling body;

exhibition/s includes conducting a confirmation show, members match, obedience trial, tracking trial, agility trial, retrieving trial, water test or any other form of canine activity approved by the controlling body;

exhibitor means a person whose name and exhibit is entered for exhibition but where the context reasonably permits, shall be deemed to include a person by whom such exhibit is displayed or handled or the person in whose charge the exhibit is whilst in the precincts of an exhibition;

fees shall include monies payable in respect of the entry of a dog in respect to entry at club events and other service fees as required for membership;

financial member means a member of the club who shall not be in default in the payment of the annual subscription or any fees or other monies payable in accordance with the Rules. Non-financial means a member who is in default of the annual subscription or other monies payable in accordance with the Rules;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

handler means a person who displays or handles an exhibit while it is being exhibited;

Judge means a person appointed to officiate as a Judge at an exhibition;

junior member means a member who is under the age of sixteen (16) years and is considered an associate member;

Life Member means a member who has been admitted to the club as a member for life.;

Management Committee means the elected Committee of Management and includes the Office Bearers and ordinary members of such Committee;

member (ordinary) means a member of the Association;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

office means the Office of the Club and shall be a place as determined from time to time at which the records of the club are to be kept;

Office Bearers means the President, the Vice President, the Treasurer and the Secretary;

period of membership means the period of time which terminates at midnight on 30 June each year. Members have until 31 July to renew their membership. Any member

who has not renewed their membership by 30 July shall be required to re-apply for membership and incur a joining fee;

poll means a secret ballot conducted at either a Special General Meeting or Annual General Meeting;

prize includes any award, whether in the form of a certificate, a card, a ribbon, a rosette, a sash, a monetary payment, a trophy or otherwise given at a club event;

pure bred dog means a dog that is recognised as a separate breed by the ANKC;

recognised Exhibition means a Show/Event conducted by the club which is recognised by the State Controlling Body;

resolution means an ordinary resolution passed by a simple majority of the numbers of members personally present at a meeting of members and eligible to vote and voting on the resolution;

regulations means the Regulations of the club as amended from time to time by the Members;

rules means the rules of the club as amended by Special Resolution of members from time to time and published to the members in writing

service awards are awards provided to members of the club to acknowledge outstanding service to the club. Nominations are to be made by the Office Bearers of the club and presented at the Annual General Meeting;

special general meeting means a general meeting of the member of the club other than the Annual General Meeting;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

State means the state of Victoria;

sub-committee means a sub-committee of the Management Committee or any other committee formed for a specific purpose;

suspend means to debar temporarily from membership;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

writing includes printing, typing, roneo, photocopying, email and any other like recognised means of written communication;

PART 2—POWERS OF ASSOCIATION

5 Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting Sub rule (1), the Association may—
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;

- (d) raise and borrow money on any terms and in any manner as it thinks fit;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Sub rule (1) does not prevent the Association from paying a member—
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member—if this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Association must have at least 5 members.

8 Who is eligible to be a member

Any person who supports the purposes of the Association is eligible for membership.

9 Application for membership

- (1) To apply to become a member of the Association, a person must submit a written application to the Secretary on the prescribed forms stating that the person—
 - (a) wishes to become a member of the Association; and
 - (b) supports the purposes of the Association; and
 - (c) agrees to comply with these Rules.
- (2) The application—
 - (a) must be signed by the applicant; and
 - (b) must be accompanied by the joining fee.

Note

The joining fee is the fee (if any) determined by the Association under rule 12(3).

10 Consideration of application

- (1) As soon as practicable after an application for membership is received by the Secretary it must be submitted to the next meeting of the club for consideration.
- (2) If approved, the Secretary is required to notify the applicant in writing of the decision as soon as practicable after the decision is made.
- (3) If the consideration of the application is made at a Committee meeting it may be deferred to the next meeting of the members for a decision.
- (4) If the application is rejected by the members, the Secretary must return any money accompanying the application to the applicant as soon as practicable.

11 New membership

- (1) If an application for membership is approved by the Committee or Members—
 - (a) the resolution to accept the membership must be recorded in the minutes of the meeting; and
 - (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person is deemed to be a financial member of the Association subject to rule 11(1) and 13(2)(b) and upon payment of the prescribed fees (if any). The member is then entitled to exercise his or her rights of membership.

12 Annual subscription and applicable joining fees

- (1) At each annual general meeting, the Association must determine—
 - (a) the amount of the annual subscription (if any) for the following financial year; and
 - (b) the date for payment of the annual subscription.
- (2) The Association may determine that a lower annual subscription is payable by associate members.
- (3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) the full annual subscription; or
 - (b) a pro rata annual subscription based on the remaining part of the financial year; or
 - (c) a fixed amount determined from time to time by the Association.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.
- (5) Should a member not complete their application for re-admission for membership within one calendar month of the end of the Association's financial year, their membership will be deemed to be expired and in order to re-apply for membership they must complete a new application form and pay both the joining fee and annual subscription.
- (6) should the member wish to request the waiving of the re-joining fee this must be submitted in writing with a valid reason, to the Secretary for consideration by the Committee.

13 General rights of members

- (1) A member of the Association who is entitled to vote has the right—
 - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and

- (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at a general meeting; and
 - (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 74; and
 - (f) to inspect the register of members in accordance with the Privacy Act 1988.
- (2) A member is entitled to vote if—
- (a) the member is a member other than an associate member; and
 - (b) more than 10 business days have passed since he or she became a member of the Association; and
 - (c) the member's membership rights are not suspended for any reason.

14 Categories of Membership

- (1) Member (ordinary) as per definitions.
- (2) Life Membership—

A nomination for Life Membership will be considered in the following manner

An Individual may be admitted to the membership category of Life Member as per the following

- (a) To qualify, a member must:-
 - (i) be a financial member at the time of nomination, and
 - (ii) have been a financial member of the club for fifteen consecutive years, and
 - (iii) have made outstanding contributions to the club, or
 - (iv) have received at least one Outstanding Service Award from the Club
- (b) Nomination must be submitted in writing and supported by a rationale, and must
 - (i) be recommended and seconded by financial members of the club;
 - (ii) be received by the Secretary not less than 28 days prior to the end of reporting year (being 30 October), to be included on the agenda for the Annual General Meeting;
 - (iii) be voted upon at the Annual General Meeting and passed by Special Resolution
- (c) Membership Duration is for life of that member.
- (d) Rights & Restrictions
 - (i) submitted by a financial member of the club as defined by Division 1 Membership.
 - (ii) The Life Member shall be subject to the rights and privileges of a financial member, but are not required to pay annual subscriptions fees for the duration of their life.
 - (iii) Only one person may be appointed as a Life Member of the Club in any one financial year
 - (iv) Life memberships can only be granted to individuals.
- (3) Associate members of the Association include—
 - (a) Associate members of the Association include—
 - (i) any members under the age of sixteen (16) years; and
 - (ii) any other category of member as determined by special resolution at a general meeting.

- (b) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.
- (3) Should any person cease to be a member of the Club for any reason whatsoever the person shall not be entitled to the return of the membership fee of any part thereof.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Association.

Note

Rule 74(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- (2) A member is taken to have resigned if—
 - (a) the member's annual subscription is more than 12 months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

- (1) The Secretary must keep and maintain a register of members that includes—
 - (a) for each current member—
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) if the member is an associate member, a note to that effect;
 - (v) any other information determined by the Committee; and
 - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

19 Expulsion of Member

Subject to the rules, a member shall cease to be a member of the club -

- (1) If the member is disqualified or suspended by the State Controlling body for any period for which suspension or disqualification applies.
- (2) If pursuant to the Rules the member does not reasonably comply, neglects or refuses to comply after due written notice and due process.
- (3) If a member has been guilty of conduct unbecoming a member or prejudicial to the interest of the Club.
- (4) If the member has been proven guilty of animal cruelty or animal neglect, either by the RSPCA or a court of law
- (5) If a member brings the Club into disrepute including through the use of social media network.

Division 2—Disciplinary action

20 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

21 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - (a) shall consist of no more than 3 members; and
 - (b) should contain no less than two (2) Committee members with the balance being nominated members of the Association; but
 - (c) must not be biased against, or in favour of, the member concerned or hold a conflict of interest.

22 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) stating that the Association proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

- (e) setting out the member's appeal rights under Rule 24.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.
 - (a) The member attending the disciplinary sub-committee may, if they choose to, have a support person attend the meeting with them, This support person cannot provide information or address the sub-committee directly.

23 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with Sub rule (1), the disciplinary subcommittee may—
 - (a) take no further action against the member; or
 - (b) subject to Sub rule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

24 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 23 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under Sub rule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—
 - (a) specify the date, time and place of the meeting; and
 - (b) state—
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

25 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with Sub rule (1), the members present and entitled to vote at the meeting must nominate a Returning Officer and two Scrutineers in order to conduct a secret ballot.
- (3) After complying with Sub rule (1) and (2), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (4) A member may not vote by proxy at this meeting.
- (5) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

26 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

27 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

28 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 27, the parties must within 10 days—
 - (a) notify the Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or

- (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

29 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party reasonably opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

30 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

31 Annual General Meetings

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) Despite Sub rule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) The ordinary business of the annual general meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting;
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) to elect the members of the Committee;
 - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.
- (6) the notice convening the annual general meeting shall be given to each member not less than 30 days before the date of the meeting and shall be accompanied by form of Nomination of Committee (see Clause 50). Such notice shall specify the business to be conducted at the meeting.

- (7) The signature to the notice convening the annual general meeting may be written, stamped, impressed, typed or posted.
- (8) Notice of an annual general meeting and the form of Nomination of Committee of Management shall be deemed to have been given to each member if they are published in, or enclosed with the Clubs Newsletter or journal or such other publications as the Club may circulate to its members provided that such publication is despatched to each member not less than thirty days prior to the date of the annual general meeting or if they are served personally not less than thirty days prior to the meeting addressed to each member at the address shown in the Register of Members. A notice and form of Nomination of Committee of Management sent to one of a dual membership shall be deemed for all purposes to have been given to each of its members.
- (9) A notice sent by post to a member shall be deemed to have been received at the time at which the notice would have been delivered in the ordinary course of post.
- (10) The accidental omission to give notice to a member, or if a member shall fail to receive a notice sent in accordance with Sub-Clause (3) , shall not invalidate an annual general meeting.
- (11) The quorum for an AGM is the presence (physically) of either 10 members or 10% of the membership, entitled to vote, whichever is the lesser.

32 Special general meetings

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.
- (4) The quorum for an AGM is the presence (physically) of either 10 members or 10% of the membership, entitled to vote, whichever is the lesser.
- (5) If a quorum is not present within 30 minutes after the notified commencement time of a Special General Meeting—
 - (a) in the case of a special meeting under Section 33 —the meeting lapses;
 - (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with Section 34 (1) (b) and 34 (2).

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 34 and the majority of members at the meeting agree.

33 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with Sub rule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting must—
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and

- (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under Sub rule (3)—
 - (a) must be held within 3 months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under Sub rule (3).

34 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 33(3), the members convening the meeting) must give to each member of the Association—
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
- (3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 24(4) sets out the requirements for notice of a disciplinary appeal meeting.

35 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically) of either 10 members or 10% of the membership entitled to vote, whichever is the lesser.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
 - (a) in the case of a meeting convened by, or at the request of, members under rule 33—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this Sub rule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 33.

- (b) in any other case—

- (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under Sub rule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

36 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting Sub rule (1), a meeting may be adjourned—
- (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 34.

37 Voting at general meeting

- (1) On any question arising at a general meeting—
- (a) subject to Sub rule (3), each member who is entitled to vote has one vote; and
 - (b) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote. However if the Chairperson has not exercised their right to vote in the initial vote, they are precluded from holding a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 25.
- (5) Voting by proxy is not permitted.

38 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting, physically present vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to admit a Life Member to the club;.

- (c) to approve to alter these Rules, including changing the name or any of the purposes of the Association.

39 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

40 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) the financial statements submitted to the members in accordance with rule 31(4)(b)(ii); and
 - (c) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (d) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

41 Role and powers

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.

- (3) The Committee may—
 - (a) appoint and remove staff;
 - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.
- (4) The Committee are expected to attend all Club Functions/Activities and events each year such as; Fundraising Events, Confirmation Shows (Championship, Open & Member Competitions) and Public Events where the BTMCMV is to be represented,
 - (i) where unavailable it is the Committee member's responsibility to provide an apology for the event no later than 24 hours before the commencement.
 - (ii) excluding Sub rule (i) within 24 hours prior to the event and for unforeseen circumstances /emergencies the Committee member must contact the Club President or Secretary 'in writing' by either email or text message to advise non attendance prior to the commencement.
- (5) If no written notification has been received prior to the commencement of the event, the Committee member will be considered "absent", pending explanation to the full Committee;
- (6) If a Committee member is deemed absent for three (3) consecutive events without valid reason the Committee may elect to remove the member from the Committee and seek nominations for a casual vacancy from the members as per Section 56

42 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

43 Composition of Committee

- (1) The Executive Committee consists of—
 - (a) a President; and
 - (b) a Vice-President; and
 - (c) a Secretary; and
 - (d) a Treasurer;
- (2) The Ordinary Committee consists of—
 - (a) ordinary members x eight (8) (if any) elected under Rule 52.
- (3) A person elected to the position of the Executive Committee may not for the purpose of the Rules also be elected or deem to be elected as a member of the ordinary Committee

44 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.

- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—
 so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

45 President and Vice-President

- (1) Subject to Sub rule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, the Chairperson of the meeting must be—
 - (a) in the case of a general meeting—a member elected by the other members present; or
 - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

46 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) The Secretary must—
 - (a) attend all meetings of the club and undertake secretarial duties as required; and
 - (a) maintain the register of members in accordance with rule 18; and
 - (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 69(3), all books, documents and securities of the Association in accordance with rules 71 and 74; and
 - (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

47 Treasurer

- (1) The Treasurer must—
 - (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
 - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - (d) ensure cheques are signed by at least 2 committee members.
 - (c) ensure all monies payable by the association have a tax invoice
- (2) The Treasurer must—
 - (a) ensure that the financial records of the Association are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
 - (c) submit financial statement to all meetings of the Committee and of the Club.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

Division 3—Election of Committee members and tenure of office

All Committee positions are for a two (2) year term and are divided into two groups for election as follows:-

Group A	Group B
President	Vice President
Treasurer	Secretary
4 x Ordinary Committee members	4 x Ordinary Committee members

48 Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is 18 years or over; and
- (b) is entitled to vote at a general meeting.
- (c) is a financial member of the Bull Terrier Miniature Club of Victoria; and
- (d) resides in the State of Victoria; and
- (e) is a current financial member of Dogs Victoria.

49 Positions to be declared vacant

- (1) This rule applies to—
 - (a) the first annual general meeting of the Association after its incorporation; or
 - (b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.

- (2) The Chairperson of the meeting must declare the nominated positions on the Committee vacant and hold elections for those positions in accordance with rules 50, 51, 52 and 53.

50 Nominations

- (1) Prior to the election of each position, the President will call for nominations to fill each position and provide a due date for nominations to be received.
 - (2) An eligible member of the Association must—
 - (a) complete the prescribed nomination form; and
 - (b) obtain a seconder for their nomination, who must be a financial member of the club; and.
 - (c) submit the prescribed nomination form to the Secretary by the nominated due date for nominations to be received.
 - (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.
 - (4) Nominations of candidates for election as Officers of the Club or as ordinary members of the Committee:-
 - (a) Shall be made in writing in such form as the Committee shall prescribe, signed by one member of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of Nomination); and
 - (b) Shall be delivered to the Secretary of the Club not less than 21 days before the date fixed for the holding of the annual general meeting completed on the prescribed nomination form.
 - (5) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting subject to each nominee consenting to such nomination.
 - (6) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
 - (7) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held, for the purpose of Clause 50 (8) (b) the Secretary shall, upon closure of nominations of candidates for election to the Committee of Management when a ballot becomes necessary under this Clause send forthwith to all members entitled to vote a list of all nominations in alphabetical order in respect of each position on the Committee of Management for which they have been nominated.
 - (8) The election of the Office Bearers and ordinary members of Committee shall be by ballot;-
 - a) Cast by members present at the annual general meeting and eligible to vote thereat;
 - b) Notwithstanding Clause 50 (8) (a) any member who is entitled to vote at the annual general meeting, but unable to attend shall be entitled to apply to the Secretary for a postal vote. Applications for a postal vote must be in writing and lodged with the Secretary fourteen days prior to the annual general meeting. Within seven days the Secretary in the presence of the President and one other Committee member appointed by the Committee will forward an initialled ballot paper to each applicant and record their names. Members to whom ballot papers are posted will under no circumstances be given a second ballot paper. Completed ballot papers are to be returned to the Returning Officer or the Secretary in envelopes endorsed “Ballot Papers”. These envelopes shall be handed (unopened) to the Returning Officer officiating at the poll.
-

- (9) For the purpose of the ballot a Returning Officer shall be appointed at the general meeting of members immediately preceding the annual general or as the second item of business of the annual general meeting, and not less than two scrutineers shall be appointed by the members at, and as, the second item of business of the general meeting.
- (10) Each member wishing to participate in the ballot shall strike out from the ballot paper all names in excess of the number of positions vacant and ballot papers containing a greater or lesser number of candidates to be elected shall be invalid.
- (11) After the appointment of the Returning Officer and the Scrutineers, the Returning Officer and the Scrutineers shall count the postal votes in accordance with Clause 50(8) (b) and the votes cast by members in accordance with Clause 50 (8) (a)
- (12) The Returning Officer shall declare the result of the ballot immediately after the votes have been counted. In the event of an equality of votes in favour of any candidates which could affect the election of a candidate, the members at the annual general meeting shall elect one of such candidates to fill the vacancy for which they were nominated for by a Resolution passed by a simple majority of members present and voting thereat.
- (13) If any question shall arise as to the validity or invalidity of a ballot paper or whether any particular member has or has not been elected to any particular office a statement by the Returning Officer that the relevant voting paper is or is not valid or that a particular member has or has not been elected to a particular Office shall be conclusive.

51 Election of President etc.

- (1) At the annual general meeting, separate elections must be held for each of the following positions—

Group A	Group B
President	Vice President
Treasurer	Secretary
Four (4) Ordinary Committee Members	Four (4) Ordinary Committee Members

- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 53.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.

52 Election of ordinary members

- (1) A single election may be held to fill all of those positions.
- (2) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (3) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 53.

53 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
 - (a) each member present in person;
- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with Sub rule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under Sub rule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with Sub rules (4) (5), (6), (7), (8), (9) and (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

54 Term of office

- (1) Subject to Sub rule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under Sub rule (3)(a) may make representations in writing to the Secretary or President of the Association (not

exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

- (5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

55 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if they —
 - (a) ceases to be a member of the Association or Dogs Victoria; or
 - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 66; or
 - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.
 - (d) fails to attend three (3) consecutive Club Functions/Activities under Rule 41(4), 41(4)(i) 41(4)(ii), 41(5) and 41(6).
- (3) At the time that a Committee member resigns or ceases to be a Committee member they must return all club property, including documentation received and acquired as office bearer and as committee to a member of the Executive, within 5 business days.

Note A Committee member may not hold any position if they do not reside in Victoria Australia.

56 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—
 - (a) has become vacant under rule 55; or
 - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 56 applies to any committee member appointed by the Committee under Sub rule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

57 Meetings of Committee

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.
- (4) A resolution in writing signed by all members of the Committee for the time being entitled to receive notice of a meeting of the Committee shall be as valid and effectual as if it had been passed at a meeting of the Committee duly held and convened. Any such resolution

may consist of several documents in like form each signed by one or more members of the Committee.

58 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

59 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 58 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

60 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

61 Use of technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under Sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

62 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 61) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
 - (a) in the case of a special meeting—the meeting lapses;
 - (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 58.

63 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Sub rule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

64 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This rule does not apply to a material personal interest—
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

65 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
 - (a) the names of the members in attendance at the meeting;
 - (b) the business considered at the meeting;
 - (c) any resolution on which a vote is taken and the result of the vote;
 - (d) any material personal interest disclosed under rule 64.

66 Attending Meetings and Leave of absence

- (1) Members of the Committee are expected to attend all meetings of the Committee and where practical all Annual General Meetings and Special General Meetings;
- (2) Where a member of the Committee is unable to attend a meeting notice of non attendance must be sent to the Secretary in writing prior to the day of the meeting. In the instance of exceptional circumstances/emergencies the Committee Member should contact the President or Secretary and notify of non attendance as soon as practicable.
- (3) Should a member of the Committee fail to attend three consecutive club meetings the Committee may elect to remove the member from the Committee and seek nominations for a casual vacancy from the members as per Section 56.

- (4) Should a Member of the Committee wish to seek a leave of absence this should be submitted in writing to the Committee and the Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (5) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance..

PART 6—FINANCIAL MATTERS

67 Source of funds

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

68 Management of funds

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) The Committee may approve expenditure on behalf of the Association up to the value of \$350.00.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, must be signed by 2 authorised committee members. There should be at least 3 members, preferably from the Executive Committee, authorised as signatories on the Associations banking accounts.
- (5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float to the value of \$150.00 provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.
- (7) Any purchase which exceeds the value of \$500.00 must be accompanied by a minimum of two quotes and submitted to the members for approval prior to the expenditure being undertaken.
- (8) All monies payable by the Association amounting to \$20.00 or upwards must be paid by cheque from the Associations financial account. Where an amount less than \$20.00 is paid in cash, the Treasurer must ensure a receipt is obtained at the time of the transaction.

69 Financial records

- (1) The Association must keep financial records that—
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
 - (a) the financial records for the current financial year; and

- (b) any other financial records as authorised by the Committee.

70 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting Sub rule (1), those requirements include—
 - (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

71 Common seal

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
 - (a) the name of the Association must appear in legible characters on the common seal;
 - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
 - (c) the common seal must be kept in the custody of the Secretary.

72 Registered address

The registered address of the Association is—

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

73 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
 - (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by email or facsimile transmission.
- (2) Sub rule (1) does not apply to notice given under rule 59.
- (3) Any notice required to be given to the Association or the Committee may be given—
 - (a) by handing the notice to a member of the Committee; or
 - (b) by sending the notice by post to the registered address; or

- (c) by leaving the notice at the registered address; or
- (d) if the Committee determines that it is appropriate in the circumstances—
 - (i) by email to the email address of the Association or the Secretary; or
 - (ii) by facsimile transmission to the facsimile number of the Association.

74 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
 - (a) the register of members;
 - (b) the minutes of general meetings;
 - (c) subject to Sub rule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

Note

See note following rule 18 for details of access to the register of members.

- (2) The Committee will refuse to permit a member to inspect records of the Association where doing so contravenes the Privacy Act 1988 or where it relates to commercial or legal matters and/or may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to Sub rule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—
 - relevant documents* means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—
 - (a) its membership records;
 - (b) its financial statements;
 - (c) its financial records;
 - (d) records and documents relating to transactions, dealings, business or property of the Association.
- (5) that all club property be available to be handed over at the AGM and where lost or damaged it is the responsibility of that Committee member, where reasonably practicable to reconstruct the records at their expense.

75 Winding up and cancellation

- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.

- (4) The body to which the surplus assets are to be given must be decided by special resolution.

76 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

77 Making and Changing Bylaws

Subject to the Association Incorporation Reform Act 2012 and the Rules of the Association, members in a Special Meeting by resolution passed by a majority of not less than seventy five percent of the members present, eligible to vote and voting in person may make or amend Bylaws as they deem fit in respect of any matter the members consider essential to the conduct of the Club's administration.

PART 8—BYLAWS

Preamble: - for the sake of clarity these bylaws are governed by the rules, regulations and bylaws of the Dogs Victoria .

8.1 Agreement

Members agree to be bound by the Rules and Regulations of the Bull Terrier Miniature Club of Victoria, and all of the Victorian Canine Association Inc.'s Codes, Policies and Procedures. Members also agree to abide by, observe and comply with any decisions or directives of the Management Committee of the VCA Inc.

8.2 Hereditary Diseases

All members of the Bull Terrier Miniature Club of Victoria Inc. do undertake not to breed from or cause to exhibit Deaf Bull Terrier Miniatures.

Furthermore, members agree to support the Association in every way practicable to stop the breeding from Deaf Bull Terrier Miniatures owned by Club members or anyone else.

Members further declare that they will not offer for sale, or be in anyway involved in the sale or offering for sale of Deaf Bull Terrier Miniatures.

The Club considers any dog that cannot hear normally in both ears to be deaf.

Members also agree that they will neither breed from nor offer at stud any animal which has or is suffering from any inheritable or painful defect. Members will not knowingly breed or cause to produce a Bull Terrier Miniature affected by Primary Lens Luxation (PLL)..

Members further agree to not undertake any breeding so as to cause or produce a Bull Terrier Miniature affected with Primary Lens Luxation.

8.3 Identifying Clothing and Apparel.

At all club events, members and exhibitors are not permitted to wear any apparel in the ring which depicts the following:-

- Any particular Bull Terrier's name
- Any kennel prefix
- Any apparel signifying a group, logo or an event,

Bull Terrier Miniature Club of Victoria logos are permitted.

8.4 Outstanding Service Awards.

This award serves to recognise a member for their outstanding service or contribution to the club. This is a Committee appointed award. It acknowledges a contribution made by any member and is something that goes above and beyond the commitment of a member or the normal duties of any position that a member holds with the club (ie: Committee Positions).

This award has the following criteria:-

- There is to be only one Service award given per year and awarded at the Annual General Meeting;
- If there is no nomination for the award, there is no requirement for it to be awarded;
- If not awarded at the AGM, the Outstanding Service Award does not accrue;
- There is no limit to the amount of times a member can be nominated for an Outstanding Service awards;
- Nominees are to be selected by the Committee and a recipient chosen by ballot from all nominations.
- A Certificate/Statement or plaque which acknowledges the Outstanding Service of the member is to be presented to the recipient at the AGM.

8.5 Operating Manual (Policies and Procedures)

- (1) Subject to the Associations Incorporation Reform Act, the VCA Rules and Regulations, the Rules of the Club and Local Government Bylaws, the Committee shall create, maintain and approve an operating manual containing procedures or documents for:
 - a) Control of Operating Manual Documents
 - b) Preparation/Creation of new standard forms
 - c) Document Register
 - d) Standing Orders for Meetings
 - e) Aggressive behaviour of dogs at VCA endorsed Exhibitions conducted by the Club
 - f) Cruelty to a Dog
 - g) Position Descriptions for Ordinary Committee Members
 - h) Procedures, Requirements and Reporting Responsibilities for Sub-Committees
 - i) any other matter the Committee considers essential to the conduct of the Club's administration.
- (2) Before approval by the Committee:
 - a) The procedure or document shall be provided to all members of the club and can be done so by advertising the document in the news letter, sending a copy of the proposed document by post, email or facsimile,
 - b) provide at least seven days notice in the club newsletter of the Committee's intention to approve a procedure or document.
 - c) The Committee shall consider any submissions from members.

8.6 Problem Dogs

Where there is a problem with a dog exhibiting undue aggression or biting while at a club event, the incident must be reported to the Coordinator of the Event or a Committee Member immediately. This is to ensure that all required documentation is completed and that the Association follows all relevant VCA regulations for dog incidents.

8.7 Cruelty to a Dog

A member shall not display undue or excessive displeasure or deliberately perform a cruel act upon a dog.

8.8 Code of Conduct

At the time of completing an application for membership for the Association all members are to be supplied with a copy of the Code of Conduct. Upon submitting and having their membership application approved, the member acknowledges and agrees to abide by the Associations Code of Conduct.

8.9 Patron of the Club.

The Association may choose, from time to time, to appoint a patron of the club to represent the Association on special occasions or during ceremonial events. In order to nominate a patron for the club, a member is required to submit this nomination in writing in the form of a "motion" and should meet the following criteria;

- 1)The Patron should be a publicly recognised figure in their field of expertise; or
- 2)A well know identity with whom the general public holds with high regard.

It should be noted that Membership of the Club is neither a prerequisite nor condition for appointment and where appointed the Patron would hold an honorary position for 12 months from the day of appointment.

When appointing a Patron the club should consider the opportunity for the Patron to assist with raising the profile of the breed and the Association.

8.10 Nomination of Judges for Trophy, Championship and Specialty Shows.

Members are able to submit nominations for the appointment of judges for Trophy, Championship, and Specialty Shows. Nominations should be received 12 months in advance ie: at 2013 AGM the 2015 Judges will be voted upon.

In order to be considered for an appointment Judges should -

- 1) be specialist Bull Terrier Miniature or Bull Terrier Judges;
- 2) meet the requirements of the Recognition of Merit (ROM) title as per National Bull Terrier Council of Australia regulations;
- 3) be nominated by a financial member of the club
 - a. on the prescribed forms (if any); and

- b. submitted to the Secretary not less than 28 days prior to the end of reporting year (being 30 October); and
 - c. include a copy of their judging resume
- to be included on the agenda for the Annual General Meeting;.

Voting will take place at the Annual General Meeting to decide the judges to be contracted , by a show of hands for the nominated Judges.

Once approved by the members, the Secretary shall prepare the required Judging Contracts and forward them for signing by the Judge and submit to Dogs Victoria together with a copy of the Schedule for the show.

8.11 Appointment of Judges for Open Shows, Members Competitions and Fun Days.

Open Shows & Member Competitions. In accordance with the Dogs Victoria requirements the only judges eligible to officiate at Open Shows are Dogs Victoria Trainee Judges. Appointments should be sourced through the Group 2 Training Coordinator.

Fun Days. These appointments should be Breeders and Exhibitors of Bull Terrier Miniatures or Bull Terriers and appointments are subject to the discretion of the Club.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

