



National Cocker Spaniel Council (Australia)

MOTION

To: National Cocker Spaniel Council (Aust)
From: NCSC (Aust) Constitution Working Group
Topic: NCSC (Aust) Constitution Review
Author: Jenny Hughes: secretaryncscaust@gmail.com
Date submitted: 15 December 2024

Motion: *That the National Cocker Spaniel Council (Australia) members approve DRAFT Constitution 2025 prepared by the NCSC (Aust) Constitution Working Group.*

Background

At the NCSC (Aust) meeting in May 2024, a motion submitted by the Cocker Spaniel Club of Qld Inc proposed a review of the NCSC (Aust) Constitution. The current Constitution is dated 2007. Constitutions which outline the Rules of Associations need to be fit for purpose. A review was long overdue. The motion was supported.

Review Process

A Constitution Review Working Group was established. Members included the following:

- President: Ray Dennis
- Secretary: Jenny Hughes
- Club Representatives: Toni Dennis (Qld); Marcia Kingston (ACT); Judith Balfour (SA); Linda Kantek (NSW); Gillian Robinson and Meg Hardy (Vic)

The Working Group had two online meetings in addition to providing comments and feedback on draft documents. A new template was sourced from Dogs Australia that provided guidance on structure and format.

Some Notable changes

What's in	What's out
<ul style="list-style-type: none">• Clarity on the name of the Cocker Spaniel National Championship Show	<ul style="list-style-type: none">• Use of the term 'Chairman'
<ul style="list-style-type: none">• Clarity on scheduling of two meetings per year	<ul style="list-style-type: none">• 'he' only pronouns
<ul style="list-style-type: none">• Use of electronic tools for meetings ie zoom	<ul style="list-style-type: none">• Use of cheques
<ul style="list-style-type: none">• Use of electronic funds transfer for payment	<ul style="list-style-type: none">• Use of telegrams

Action after the motion is approved

DRAFT Constitution 2025 will be sent to Dogs Australia for final approval. When returned any changes and adjustments will be managed by the NCSC (Aust) Constitution Working Group. The final document will then be distributed to Council members and be posted on the NCSC (Aust) website.

Attachments:

1. DRAFT Constitution 2025 in Dogs Australia template. Changes are marked in **RED**



PRO FORMA STANDARD CONSTITUTION

NATIONAL **COCKER SPANIEL** ~~*(BREED)~~ COUNCIL **(AUSTRALIA)**

CONSTITUTION

1. Name

The name of the organisation shall be the "National **Cocker Spaniel** ~~*(Breed)~~ Council **(Australia)**" and shall herein be referred to as the **NCSC (Aust)** ~~"N***(B)C"~~.

2. Objects

The objects of the **NCSC (Aust)** ~~*(BREED)~~ shall be: -

- 2.1 To encourage and promote in every way the quality of breeding, care, training and exhibition of the **Cocker Spaniel**. ~~*(Breed)~~.
- 2.2 To educate and encourage Exhibitors, Breeders and Judges to abide by the Standard for the **Cocker Spaniel**, ~~*(Breed)~~, as approved by the Australian National Kennel Council **(ANKC) trading as Dogs Australia**.
- 2.3 To enable Member Clubs to take co-operative action on matters which such Clubs agree are of common interest and for their mutual benefit in the promotion of the **Cocker Spaniel**. ~~*(Breed)~~.
- 2.4 To allocate the titles of
~~"*(Breed) National Speciality Championship Show"~~
and
~~"*(Breed) Speciality Championship Show"~~.
Cocker Spaniel National Championship Show

For use by Member Clubs, subject always to the approval of both the State or Territory Controlling Body and the Australian National Kennel Council
(ANKC) trading as Dogs Australia.

- 2.5 To seek registration with the Australian National Kennel Council (ANKC) trading as Dogs Australia, and if recognised, agree to be bound by the Rules and Regulations, and directions of the Australian National Kennel Council (ANKC) trading as Dogs Australia for the time being in force.
- 2.6 To become associated with overseas Cocker Spaniel *(Breed) organisations with objects kindred to the objects of the NCSC (Aust). N**(B)C.
- 2.7 To collect, verify and publish information relating to Cocker Spaniel *(Breed) and the breeding and exhibition of Cocker Spaniel *(Breed).
- 2.8 To encourage Member Clubs to hold Shows, Parades, Trials and other Exhibitions as approved by and under the Rules and Regulations of their State or Territory Controlling Body and of the Australian National Kennel Council (ANKC) trading as Dogs Australia.
- 2.9 To legislate, to make by-laws and do other acts, matters and things, as may be necessary or expedient to promote all or any of the objects of the NCSC (Aust). N**(B)C.

3. Powers

- 3.1 The NCSC (Aust) N**(B)C shall have power to:-
 - 3.1.1 Acquire a membership fee from Member Clubs to carry out ANY OR ALL OF the objects of the NCSC (Aust) N**(B)C.
 - 3.1.2 Invest the funds of the NCSC (Aust) N**(B)C, not immediately required, in such manner as the delegates shall determine.
 - 3.1.3 Hold Breed Seminars, Conventions and Congresses through the sponsorship of the Member Clubs.
 - 3.1.4 Correspond with and become associated with overseas Cocker Spaniel *(Breed) organisations, for the purpose of the exchange of

viewpoints on matters affecting the welfare of the **Cocker Spaniel**
~~*(Breed)~~.

- 3.1.5 Allocate the title "**Cocker Spaniel** ~~*(Breed)~~ National Speciality Championship Show" and "~~*(Breed)~~ Specialty Championship Show" to the various Member Clubs, subject always to the approval of both the State or Territory Controlling Body and the Australian National Kennel Council (**ANKC**) trading as **Dogs Australia**. See By-Law No. 1 and 2.
- 3.1.6 Purchase, hire, lease or otherwise provide and maintain all types of personal property for the carrying out of the objects of the **NCSC (Aust)** ~~N***(B)C~~.
- 3.1.7. DO ALL SUCH OTHER THINGS WHICH MAY APPEAR TO IT TO BE NECESSARY FOR THE PURPOSE OF CARRYING INTO EFFECTS ITS OBJECTS.

3.2 The **NCSC (Aust)** ~~N***(B)C~~ shall not hold Shows or any other type of Exhibitions. Such events shall only be conducted by the Member Clubs.

3.3 Nothing in this Constitution shall affect the right or authority of an individual Member Club to control and conduct their Club business in the way usually followed by a Specialist Club.

Nor shall the **NCSC (Aust)** ~~N***(B)C~~ affect in any way the normal relationship between a Member Club and their State or Territory Controlling Body.

4. Membership

- 4.1 Any specialist **Cocker Spaniel** ~~*(Breed)~~ Club affiliated with a State or Territory Controlling Body, which is in turn a member of the Australian National Kennel Council (**ANKC**) trading as **Dogs Australia**, upon payment of the prescribed annual membership fee, shall be eligible for membership of the **NCSC (Aust)** ~~N***(B)C~~ except in the case of re-admission which must be in compliance with Clause 12 or the Constitution.
- 4.2 The following specialist **Cocker Spaniel** ~~*(Breed)~~ Clubs and such other specialist **Cocker Spaniel** ~~*(Breed)~~ Clubs as may from time to time be admitted, shall be Member Clubs, entitled to nominate a delegate to the

NCSC (Aust) ~~N**(B)C~~. Such Member Club shall identify the State or Territory it represents in its name (e.g. "of Victoria")

The Cocker Spaniel Society ~~*(Breed) Club~~ of New South Wales Inc

The Cocker Spaniel ~~*(Breed)~~ Club of Victoria Inc

The Cocker Spaniel ~~*(Breed)~~ Club of South Australia Inc

The Cocker Spaniel ~~*(Breed)~~ Club of Queensland Inc

The ~~*(Breed) Club~~ of Tasmania

The Cocker Spaniel ~~*(Breed)~~ Club of the ACT Inc

The Cocker Spaniel Club of Western Australia

- 4.3 The membership fee shall be such amount as the NCSC (Aust) ~~N**(B)C~~ shall from time to time determine. See By-Law No. 4.

5. Meetings

- 5.1 Each of the Member Clubs named in Clause 4 (b) shall annually appoint one delegate to the NCSC (Aust) ~~N**(B)C~~. Each delegate must be a financial member of his ~~his/her~~ Member Club and of the respective State or Territory Controlling Body and be a resident in the State or Territory of the Member Club he/she represents. If for any reason it should become necessary, Member Clubs may appoint a substitute delegate who shall ipso facto be deemed to be a delegate for voting and all other purposes at a meeting of the NCSC (Aust) ~~N**(B)C~~.
- 5.2 At meetings of the NCSC (Aust) ~~N**(B)C~~ each Member Club shall have one vote, subject to its delegate being in attendance at such meetings.
- 5.3 The quorum for meetings shall be more in number than 50% of the number of Member Clubs.
- 5.4 5.4.1 Member Clubs may bring any business before a meeting of the NCSC (Aust) ~~N**(B)C~~ by giving 90 days notice of its intention to the Secretary. The Secretary shall communicate the agenda for a meeting to each of the Member Clubs at least 60 days prior to the date of the meeting.
- 5.4.2 The accidental omission to give notice to a member or if a member shall fail to receive a notice sent as aforesaid shall not invalidate a General Meeting.

- 5.4.3 A notice sent by post shall be deemed to have been served on the day following that on which it is posted.
- 5.5 Except with the unanimous consent of all Member Clubs, no resolution carried at a meeting of the **NCSC (Aust)** ~~N**(B)C~~ shall be valid UNLESS notice has been given in accordance with Clause 5.4.1.
- 5.6 Notwithstanding the provisions of Clause 5.5 the Secretary shall at the discretion of the President, or at the written request of two Member Clubs, submit any particular matter of urgency to the Member Clubs by **email or** post, ~~telegram or letter gram~~ and the vote on any such matter shall be taken accordingly, at meetings (in person or through electronic means) of the Member Clubs, electronic voting tools may be used.
Also, should, in the opinion of the President or Secretary, **NCSC (Aust)** ~~N**(B)C~~ business require urgent action, this business may be conducted by Conference telephone call, provided that a quorum takes part. Conference calls must be confined to a limited agenda or emergency decisions with prior notification by the **NCSC (Aust)** ~~N**(B)C~~.
- 5.7 The **NCSC (Aust)** ~~N**(B)C~~ shall manage its own affairs and hold meetings at such time and place as it deems fit. The Annual General Meeting shall be held **at the National Show in the year of the National and in the first six months of each year in the 'off' National year. A General meeting in addition to the Annual General Meeting will be held each year and be scheduled no less than four months prior to or after the Annual General Meeting. In the event that the National Show is cancelled the Annual General Meeting will still proceed in that year at a venue or electronic means determined by the President and Secretary. in the months of _____ or _____ of each year.**
- 5.8 The President of the **NCSC (Aust)** ~~N**(B)C~~ shall be **Chair man** of all meetings of the **NCSC (Aust)** ~~N**(B)C~~. Should ~~he/she~~ **the President** not be present within 15 minutes of the time appointed for the holding of the meeting, the delegates shall elect a **Chair man** from among their number. The delegate appointed **Chair man** may record his/her own vote on any matter, but shall not have a casting vote.
- 5.9 Should the Secretary not be present within 15 minutes of the time appointed for the holding of the meeting, the delegates shall elect a Deputy Secretary.

for that meeting, from among their Members. The delegate appointed Deputy Secretary may record his/her own vote on any matter.

- 5.10 Every motion submitted to the meeting shall be decided by a show of hands. Provided that each Member Club with a delegate present shall have the right to record one vote. In the event of equality of votes on any matter the **Chair man** shall not have a casting vote, and the motion shall be deemed to be lost.
- 5.11 In all matters not covered by this Constitution the Rules of common debate shall apply provided always that the best interests of the members be served, and members have the right to vote in favour or against any decision.
- 5.12 Dissension from the Presidents and/or Chairman's procedure - Ruling - Actions - etc.

In the event that a dissension vote be carried by a ~~-----~~% majority at any meeting of the **NCSC (Aust) Club** the **Chair man** shall be bound to adopt such ruling - procedures - actions - as decided by said vote, and further, immediately such dissension vote be moved and seconded the **Chair man** shall immediately vacate the chair to enable correct and proper discussion and voting procedures to follow. Delegates present are then entitled to elect their own choice of interim **Chair man** to preside during the time that this matter only is discussed and determined whereupon the **Chair man** shall resume the **position Chair**.

- 5.13 Censure of
1. President's and/or Chairman's Action - Ruling Procedure - etc.
 2. Secretary's Action - Ruling - Procedure - etc.
 3. A General Member's Action - Conduct, etc.

In the event that a censure motion be moved, seconded and carried by a ~~-----~~% majority at any Meeting of the Council the person or persons against whom the vote be taken shall be considered censured and all relevant details shall be minuted. (It must be understood that a censure motion does not automatically mean a loss of position from Council or a loss to a member of ~~his~~ **his/her** usual and accepted rights).

5.14 Vote of No Confidence

1. Against the President or Secretary
2. Any Council Member
3. The entire Council

In the event that a Vote of "No Confidence" be moved, seconded and carried by a % majority of persons present in person at the Meeting specially convened to discuss the motion such person or persons against whom the motion was carried shall immediately forfeit his/her/their position as an Office Bearer(s) or Council Member and any such person(s) shall not be allowed to accept nomination for the Council or as Office Bearer or for any Subcommittee for a period of twelve months from the date of such motion. The members present upon such, "vote of no confidence" being carried are then entitled if they so desire, to select a replacement or replacements for the position or positions hereby rendered vacant.

- 5.15 Notice of Motion of, "No Confidence", must be made in writing signed by the persons moving and seconding the motion and handed to the Secretary. The Secretary shall convene a Special Meeting to be held within sixty (60) days from the date of receipt of the Notice of Motion, and advise all member bodies in writing within fourteen (14) days allowing member bodies at least twenty-eight (28) clear days notice of the Meeting. Proof of posting of the notice to the members last registered address with the Council shall be deemed sufficient proof of the member being notified.

6. President

The President must be a club member of one of the Member Clubs and of the respective State or Territory Controlling Body, but shall not be a club delegate. ~~The President~~ He shall be formally appointed for a term of two (2) years by the ~~NCSC~~ ~~(Aust)~~ ~~N**(B)C~~ delegates at an Annual General Meeting from the nominations received in accordance with By-Law No. 3.

The President shall hold Office until the day following that of the Annual General Meeting at the end of the term. The President shall not be entitled to vote at any meeting of the ~~NCSC~~ ~~(Aust)~~ ~~N**(B)C~~. In the case of a tied vote for the election of a President, Secretary or any other Office Bearer the result will be resolved by the Returning Officer conducting a Lot. (Drawing the name of a candidate out of a "Hat".) (ie. the names of the tied candidates are written on separate pieces of paper and

placed in a "hat" or other suitable container and the Returning Officer selects one of the pieces of paper and whichever candidate's name is drawn is elected to the position.

7. Secretary

- 7.1 The Secretary must be a club member of one of the Member Clubs and of the respective State or Territory Controlling Body, but shall not be a club delegate. ~~The Secretary He/she~~ shall be appointed annually by the ~~NCSC (Aust) N**(B)C~~ delegates at the Annual General Meeting for a term of two years from nominations received from the member clubs.

The nominations shall be in the hands of the Secretary at least 90 days before the said meeting and all Member Clubs shall be advised of the nominations 60 days before the meeting.

The Secretary shall hold office until the day following that of the Annual General Meeting at the end of the term.

The Secretary shall not be entitled to vote at any meeting of the ~~NCSC (Aust) N**(B)C~~.

7.2 Duties of the Secretary

It shall be the duty of the Secretary or in the absence of the Secretary the President to notify the ~~Australian National Kennel Club (ANKC) trading as Dogs Australia~~ within fourteen (14) days of any changes in Directors or Office Bearers.

The Secretary shall act under the direction of the ~~NCSC (Aust) N**(B)C~~. ~~The Secretary He/she~~ shall attend all meetings of the ~~NCSC (Aust) N**(B)C~~ and any other meeting where his/her presence may be required, to keep proper minutes of such meetings; and generally to perform all such duties as are usually performed by any such officer in a like position.

The Secretary shall be responsible for all monies received on behalf of the ~~NCSC (Aust) N**(B)C~~ and shall pay all such sums into the bank account of the ~~NCSC (Aust) N**(B)C~~ within 14 days of receipt. It shall be a further duty of the Secretary to keep proper books of account of the ~~NCSC (Aust) N**(B)C~~.

- 7.3 If there be not a nomination for the office of President or Secretary or if a member nominated for such office declares at the Annual General Meeting verbally or in writing that ~~he~~ **he/she** is unwilling to stand for that Office, the members may propose and second orally at the Annual General Meeting sufficient members to fill such Office.

A casual vacancy occurring caused by the death or resignation of a member or by a member ceasing for any reason to be a member, may be filled by the delegates at the next Meeting and the member so appointed shall hold office until his appointment is confirmed by the members at the next General Meeting or the vacancy is otherwise filled by the members, at a General Meeting.

8. Headquarters

The headquarters of the **NCSC (Aust)** ~~N**(B)C~~ shall be the residential address of the Secretary where the books, records and property of the **NCSC (Aust)** ~~N**(B)C~~ shall be kept.

9. Finance

- 9.1 A bank account in the name of the “National **Cocker Spaniel** ~~*(Breed)~~ Council **Australia**” shall be opened with a recognised Australian bank and kept in the name of the **National Cocker Spaniel Council Australia** ~~N**(B)C~~.
- 9.2 All monies payable on behalf of the **NCSC (Aust)** ~~N**(B)C~~ shall be paid **by electronic funds transfer (EFT)** ~~cheque~~ drawn upon the bank account of the **NCSC (Aust)** ~~N**(B)C~~. All **payments** ~~cheques~~ shall be **authorised signed by two account administrators, namely the Secretary and one of the other two account administrators** ~~countersigned by the President or N**(B)C delegate~~ appointed by **NCSC (Aust)** for that purpose.
- 9.3 The financial year of the **NCSC (Aust)** ~~N**(B)C~~ shall be from 1st **January** to 31st **December** in each year.
- 9.4 At the Annual General Meeting in each year the **NCSC (Aust)** ~~N**(B)C~~ shall **may** appoint an auditor, with accountancy qualifications. **If appointed, such** auditor shall hold office until the first meeting in the following year, but shall be eligible for re-appointment.

- 9.5 ~~If audited a~~ An audited statement of receipts and expenditure and balance sheet shall be forwarded to each Member Club by 31st ~~March~~ in each year. ~~Otherwise, an annual financial summary of income and expenditure will be presented by the secretary each year at the Annual General Meeting.~~

10. By-Laws

Subject always to the constitution, delegates at a meeting by a resolution passed by a majority of not less than 60% of delegates present and voting on this resolution, may make By-Laws and may from time to time amend such By-Laws by variation, deletion or addition as they may think fit, in respect of:-

- 10.1 The granting of the title ~~“(Breed) Cocker Spaniel National Speciality Championship Show”~~ and ~~“(Breed) Speciality Championship Show”~~.
- 10.2 The appointment of the President.
- 10.3 The appointment of the Secretary.
- 10.4 Membership fees.
- 10.5 Any matter the delegates consider necessary to carry out the objects of the ~~NCSC (Aust) N**(B)C~~.

11. Alteration to Constitution and By-Laws

This Constitution and the By-Laws of the ~~NCSC (Aust) N**(B)C~~ shall not be altered, waived or amended, except at a meeting of the delegates at which at least 90 days notice has been given to the Secretary of such amendment and the Secretary has given 60 days notice to all Member Clubs.

The amendment must be agreed to by a majority of not less than 60% of the delegates present and voting on this resolution.

12. Resignation

Any Member Club may at any time resign its membership by giving notice to the Secretary. Such resignation shall not free the Club from liability to pay any subscription which is due and unpaid on the date of the resignation.

Should any Member Club that has resigned seek re-admission as a member of the ~~NCSC (Aust) N**(B)C~~, such re-admission is to be voted on at a meeting of the ~~NCSC (Aust) N**(B)C~~ called in compliance with Clause 5 (d) of the constitution. A majority

of not less than 75% of the delegates present and voting in person will be required to re-admit a Member Club.

13. Property/Winding up

No club or individual shall have any proprietary right or interest in any of the funds or property of the NCSC (Aust) N**(B)C. Such property or funds shall be devoted to the promotion of the objects of the NCSC (Aust) N**(B)C. However in the event of the winding up of the NCSC (Aust) N**(B)C the property of funds shall be divided equally among the clubs which are members at the time of such winding up.

* ~~_____ HERE INSERT NAME OF BREED~~

~~_____ ** _____ HERE INSERT INITIAL/S OF BREED~~

SAMPLE

BY - LAWS

BY LAW NO. 1

~~"Cocker Spaniel National Speciality Championship Show"~~

The delegates at any meeting, and in accordance with Clause 3(i)(e) of the Constitution, may grant the title "~~*(Breed)~~Cocker Spaniel National Speciality Championship Show", to any Member Club.

The granting of the use of the word "National" must be in compliance with the Rules and Regulations of the Australian National Kennel Council (ANKC) trading as Dogs Australia and/or the National Breed Clubs Liaison Council.

The Judge must be approved by the NCSC (Aust) N**(B)C and the State or Territory Controlling Body.

BY-LAW NO. 2

~~"*(Breed) Cocker Spaniel National Speciality Championship Show"~~.

The delegates at any meeting, and in accordance with Clause 3 (i)(e) of the Constitution may grant the title "~~*(Breed)~~Cocker Spaniel National Speciality Championship Show", to any Member Club.

The Judge must be approved by the NCSC (Aust) N**(B)C and the State or Territory Controlling Body.

BY-LAW NO. 3

"President"

- (a) The President shall be appointed in accordance with Clause 5 of the Constitution and shall hold office for one term of two years, but shall be eligible for another term at a later date, or in compliance with By-Law 3(b).

The position of President shall rotate among the Members Clubs. Each Member Club, in turn, may nominate one of its members as President of the NCSC (Aust)

~~N**(B)C~~ upon the appointment of the initial President the delegates present at that meeting shall determine the sequence in which Member Clubs may nominate a President in subsequent years.

- (b) The President's term of office may be extended or the sequence or nominations altered if agreed in compliance with Clause 5(f) of the Constitution by not less than 60% of Member Clubs.

BY-LAW NO. 4

"Membership"

The membership fee shall be \$100 per annum. Fee shall be due and payable by 1st March in each year.