

WEIMARANER CLUB



OF VICTORIA INC.

Est: 1971

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CONSTITUTION RULES & BY-LAWS

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CONSTITUTION, RULES & BY-LAWS

1. NAME

The name of the incorporated association is

WEIMARANER CLUB OF VICTORIA INCORPORATED.

2. STATEMENTS OF PURPOSES

The objects of the Weimaraner Club of Victoria Incorporated referred to as "the Club") are

- 2.1** to affiliate with the Victorian Canine Association Incorporated referred to as "the V.C.A." and Trading as Dogs Victoria.
- 2.2** to promote and encourage the breeding of pure bred dogs and in particular the Weimaraner,
- 2.3** to promote and raise the standards and exhibition of registered pure bred dogs, particularly the Weimaraner,
- 2.4** to promote the holding of Exhibitions under the V.C.A. Rules and Regulations and to conduct Exhibitions and/or to promote obedience training and to conduct Obedience Trials, Tracking Tests, Field Trials and Agility,
- 2.5** to foster promote and protect the interest of exhibitors of dogs at exhibitions and particularly the exhibitors of Weimaraners,
- 2.6** to collect verify and publish information relating to dogs and the breeding and exhibition of dogs,
- 2.7** to educate and encourage members, breeders and judges to abide by the requirements and standards approved by the V.C.A. for the conduct of Exhibitions and Shows,
- 2.8** to promote good fellowship and sportsmanship amongst members and those participating in or attending at Exhibitions and Shows,

- 2.9** to hold functions and lectures relating to dogs and to the purposes of the Club generally,
- 2.10** to provide awards and donate prizes for competition at Exhibitions and for the competition by breeders and exhibitors of dogs,
- 2.11** to foster relations with other Clubs and bodies having similar aims,
- 2.12** to promote and assist worthy causes, as agreed at a General Meeting of the members of the Club,
- 2.13** to invest the funds of the Club not immediately required in such manner as the members or the Committee in lieu thereof shall determine,
- 2.14** to purchase, hire, lease, etc. and do such things as are conducive or incidental to promoting and achieving the purposes of the Club.
- 2.15** to carry on such other activities or promote or encourage interest in the breeding, upkeep, re-housing of stray and/or unwanted Weimaraners, and training of and the general well-being and improvement of Weimaraners and to do all such other things as may be necessary or conducive to carrying out the objects of the Club.

3. INTERPRETATION

In these Rules, unless the contrary intention appears

"Act" means the Associations Incorporation Act 1981 (Vic.) and any amendments thereto and, unless inconsistent with the context or subject matter, includes the Associations Incorporation Regulations 1983 (Vic.) and any amendments thereto.

"Application for Membership" includes application for re-admission to membership.

"Association" has the same meaning as is ascribed to that word by Section 3(1) of the Associations Incorporation Act 1981 (Vic.) which, inter alia, includes a Club.

"Body" means where the context reasonably admits, a Club, Society, Association, Company or group of persons.

"By-laws" means the By-Laws in force for the time being of the Club as approved by the Committee of the V.C.A. and shall form part of and be deemed to be incorporated in the Rules of the Club.

"Clause" means a provision of the Rules and where the context so admits includes a paragraph or sub-paragraph thereof.

"Club" for the purpose of these Rules, has the same meaning as is ascribed to the word Association by Section 3(1) of the Act.

"Committee" means the Committee of Management of the Club and includes Officers of the Club and ordinary members of the Committee unless the Rules specifically provide otherwise.

"Exhibition" includes a Canine Show, Canine Exhibition, Canine Parade, Gundog Trial and Test, Canine Competition, Display, Obedience Trial, Tracking Trial, Non-Slip Retrieving Trial, Ability Trial, Contest, Match or similar events.

“Family” Husband and Wife and or Partners, including dependants residing at the same address.

"Financial Member" means a member of the Club who shall not be in default in the payment of their annual subscription or any fees or other monies payable by them in accordance with the Rules. Unfinancial shall have the opposite meaning.

"Honorary Member" means a person who may or may not be a member of the VCA but supports the Club, the Breed and the Club's Statement of Purpose (refer By Law-5 for further detail).

"Insolvent under administration" in relation to a member of the Committee of Management has the same meaning as that given to those words by Section 5(1) of the Companies (Victoria) Code.

"Junior Member" means a person under the age of 18 years who has been admitted as a member of the Club and who shall not be entitled to hold office or to vote at a General Meeting of the Club but shall otherwise be entitled to enjoy all other privileges of membership.

"Life Member" means a member who has been admitted to the Club as a member for life, whether upon payment of a subscription or without payment of a subscription as may be determined by the members from time to time. Nominating a Member for Life Membership is covered by Bi-Law-5.

"Member" means a person or persons who have been admitted to any category of membership of the Club.

"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/s, Treasurer, Secretary, and Assistant Secretary, and any other such nominated positions as referred to in Clause 25 and the By-Laws for the time being of the Club.

"Period of Membership" in relation to a member, denotes the twelve months terminating at midnight on the 30th day of September each year for which such member is for the time being elected or admitted to membership of the Club or such portion of that term during which their membership continues.

"Person" where the context reasonably permits, includes an individual, a firm or partnership, a company or corporation, or any other legal entity.

"Public Officer" means the person referred to as such in Sections 24 to 28 inclusive of the Act and whose statutory duties are set out in Sections 13, 22(2), 26, 28 (1), 28(2), 30(4), 47(5) and 47(6) of that Act.

"Registered" means breeds and breed varieties of dogs for which a separate register is kept by the V.C.A. or like interstate body.

"Regulations" means either the Associations Incorporation Regulations 1983 or the Rules and Regulations of the V.C.A. or like interstate body as specifically referred to in either case in the Rules of the Club.

"Rules" means the Rules for the time being of the Club and includes its By-Laws.

"Secretary" means the Honorary Secretary or Secretary of the Club and, where the context reasonably permits, includes the Assistant Secretary and any other person for the time being appointed by the Committee to exercise the functions of the Secretary.

"V.C.A." means the Victorian Canine Association Incorporated, also referred to and Trading as Dogs Victoria.

Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

Words importing the male gender shall, where the context reasonably permits, include the female and neuter gender and the singular number shall include the plural number. Reference to them, their or they may also indicate the single context in lieu of his and or her.

"Writing" includes printing and any other like recognised means of communication or of reproducing words in visible form.

MEMBERSHIP

4. APPLICATION FOR MEMBERSHIP

- 4.1** Any person owning a pure bred dog or interested in any of the activities referred to in the Statement of Purposes of the Club who is approved for membership as provided in these Rules is eligible to be a member of the Club on payment of the entrance fee and annual subscription payable under these Rules.
- 4.2** An application for membership shall be in such form as the Committee may from time to time prescribe and shall be signed by the applicant and lodged with the Secretary of the Club accompanied by the fees prescribed in Clause 5.
- 4.3** The Secretary shall submit such application to the next meeting of the Committee for approval.
- 4.4** Upon the application being received by the Committee, the Committee shall determine whether to approve or to reject the application.
- 4.5** Upon an application being approved by the Committee, the Secretary shall enter the applicant's name in the Club's register and upon the name being so entered; the applicant becomes a member of the Club.
- 4.6** A right, privilege, or obligation of a person by reason of their membership of the Club is not capable of being transferred or transmitted to another person.
- 4.7** A member may within 31 days after the end of the Club's financial year, make application to the Club for readmission as a member to their category of membership upon payment of the annual subscription and shall be deemed for all purposes to have been re-admitted as such a member.
- 4.8** A member, upon election to any category of membership, shall strictly observe and act in conformity with and not otherwise than in accordance with the Act and the Rules and By-Laws of the Club and the Constitution and Rules and Regulations of the V.C.A. in so far as

they shall relate to them and will uphold the honour of, and use their best endeavours to further the objects of, the Club.

5. ANNUAL SUBSCRIPTION AND JOINING FEE

Subject to notice of motion first being given by Resolution of the Committee, the members in General Meeting at any time and from time to time may fix the amount of the annual subscription payable by each category of membership and may in like manner determine that a membership joining fee shall be paid and the amount thereof (see By-Law 1).

6. REGISTER OF MEMBERS

The Secretary or an Office Bearer shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at General Meetings. Only the secretary can make public the list on members.

7. CLASSIFICATION OF MEMBERS

Membership of the Club may be divided into the following categories (see By-Law 5):

Junior Member	Honorary Member
Ordinary Member	Life Member
Breeder Member	Interstate Member
Associate Member	Any other class of member

and every person admitted and/or elected to membership shall be and be deemed for all purposes to have agreed to be bound by the Constitution and Rules and Regulations of the V.C.A. in so far as they shall relate to him and the Rules and By-Laws of the Club respectively for the time being in force.

8. PRIVILEGES OF MEMBERSHIP

- 8.1** Subject to the restrictions and limitation prescribed by or pursuant to the Act, Rules and By-Laws of the Club the privileges of a member shall be:
- 8.1.1** upon application and payment of the prescribed fee (if any) to the Secretary to receive a copy of the Rules and By-Laws of the Club,
 - 8.1.2** the right to attend and vote at all General Meetings of the Club; subject to the conditions of Clause 29.2 and 29.3,
 - 8.1.3** to submit themselves as a candidate for any Office of the Club and/or Committee subject to the conditions of Clause 29.2 and 29.3,
 - 8.1.4** to receive any publication issued by the Club, upon the payment of the prescribed fee (if any),
 - 8.1.5** to compete for prizes (including trophies), available for members of the Club when exhibiting or competing at any exhibition conducted by the Club for which they are eligible,
- 8.2** A junior member shall be entitled to take part in the proceedings of a General Meeting but shall not be eligible to vote and shall not be eligible to hold office as an Office Bearer or an ordinary member of the Committee, but shall be entitled to exercise all other privileges of membership.

9. RESIGNATION /CESSATION OF MEMBER

- 9.1** A member shall cease ipso facto to be a member of the Club:
- 9.1.1** upon the termination of the period of membership, (whether by effluxion of time or otherwise), unless re-admitted pursuant to Clause 4.7. as a member of the Club for a further period of membership.
 - 9.1.2** if the member resigns by notice in writing addressed to the Secretary pursuant to Sub-Clause 9.3
 - 9.1.3** if the member dies.
 - 9.1.4** if the annual subscription for the forthcoming financial year has not been paid in accordance with Clause 4.7.
 - 9.1.5** if pursuant to the Rules the member is expelled from the Club.
 - 9.1.6** if as a member of the V.C.A. or like interstate body they are disqualified or suspended by the body for any period for which suspension or disqualification applies.
- 9.2** Should any person cease to be a member of the Club for any reason whatsoever, they shall not be entitled to the return of their membership fee or any part thereof.
- 9.3** A member of the Club who has paid all moneys due and payable by them to the Club may resign by first giving notice in writing to the Secretary of their resignation.
- 9.4** Upon the receipt of a notice given under Sub-Clause 9.3 the Secretary shall make in the register of members an entry recording the date on which the member, by whom the notice was given, ceased to be a member.

10. DISCIPLINE, SUSPENSION and EXPULSION of MEMBERS

- 10.1** Subject to these Rules, if the Committee is of the opinion that a Member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a Member or prejudicial to the interests of the Association, the Committee may, after first hearing the Member concerned.
- 10.1.1** fine that Member an amount not exceeding \$500; or
- 10.1.2** suspend that Member from membership of the Association for a specified period; or
- 10.1.3** expel that Member from the Association.
- 10.2** A resolution of the Committee under sub-rule 10.1 does not take effect unless -
- 10.2.1** at a meeting held in accordance with sub-rule 10.3 the Committee confirms the resolution; and
- 10.2.2** if the Member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- 10.3** A meeting of the Committee to confirm or revoke a resolution passed under sub-rule 10.1 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the Member in accordance with sub-rule 10.4.
- 10.4** For the purposes of giving notice in accordance with sub-rule 10.3 the Secretary must, as soon as practicable, cause to be given to the Member a written notice -
- 10.4.1** setting out the resolution of the Committee and the grounds on which it is based; and

- 10.4.2** stating that the Member, or their representative, may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that Member; and
- 10.4.3** stating the date, place and time of that meeting; and
- 10.4.4** informing the Member that they may do one or both of the following
 - 10.4.4.1** attend that meeting;
 - 10.4.4.2** give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
- 10.4.5** Informing the Member that, if at that meeting, the Committee confirms the resolution, they may not later than 48 hours after that meeting, give the Secretary a notice to the effect that they wishes to appeal to the Association in General Meeting against the resolution.
- 10.5** At a meeting of the Committee to confirm or revoke a resolution passed under sub-rule 10.1 the Committee must-
 - 10.5.1** give the Member, or their representative, an opportunity to be heard; and
 - 10.5.2** give due consideration to any written statement submitted by the Member; and
 - 10.5.3** determine by resolution whether to confirm or to revoke the resolution.
- 10.6** If at the meeting of the Committee, the Committee confirms the resolution, the Member may, after receiving notice of that meeting and not later than 48 hours after that meeting, give the Secretary a notice to the effect that they wishes to appeal to the Association in General Meeting against the resolution.

- 10.7** If the Secretary receives a notice under sub-rule 10.6 they must notify the Committee and the Committee must convene a General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- 10.8** At a General Meeting of the Association convened under sub-rule 10.7
- 10.8.1** no business other than the question of the appeal may be conducted; and
- 10.8.2** the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
- 10.8.3** the Member, or their representative, must be given an opportunity to be heard; and
- 10.8.4** the Members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 10.9** A resolution is confirmed if, at the General Meeting, not less than two-thirds of the Members vote in person, in favour of the resolution. In any other case, the resolution is revoked.

11. DISPUTES AND MEDIATION

- 11.1** The grievance procedure set out in this rule applies to disputes under these Rules between-
- 11.1.1** a Member and another Member; or
 - 11.1.2** a Member and the Association,
- 11.2** The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 11.3** If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 11.4** The mediator must be-
- 11.4.1** a person chosen by agreement between the parties; or
 - 11.4.2** in the absence of agreement –
 - 11.4.2.1** in the case of a dispute between a Member and another Member, a person appointed by the Committee of the Association; or
 - 11.4.2.2** in the case of a dispute between a Member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 11.5** A Member of the Association can be a mediator.
- 11.6** The mediator cannot be a Member who is a party to the dispute.
- 11.7** The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 11.8** The mediator, in conducting the mediation, must-

- 11.8.1** give the parties to the mediation process every opportunity to be heard; and
- 11.8.2** allow due consideration by all parties of any written statement submitted by any party; and
- 11.8.3** ensure that natural justice is accorded to the parties to the dispute throughout the mediation process,
- 11.9** The mediator must not determine the dispute.
- 11.10** If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

12. ANNUAL GENERAL MEETING

- 12.1** The Club shall within 3 months of the end of the financial year convene an annual general meeting of its members.
- 12.2** The annual general meeting shall be held on such date and time, and at such venue, as the Committee determines.
- 12.3** The annual general meeting shall be specified as such in the notice convening it.
- 12.4** The ordinary business of the annual general meeting shall be -
 - 12.4.1** to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting,
 - 12.4.2** to appoint a Returning Officer, where necessary, and at least two scrutineers,
 - 12.4.3** to receive from the Committee reports upon the transactions and activities of the Club during the last preceding financial year,
 - 12.4.4** to elect officers of the Club and the ordinary members of the Committee,
 - 12.4.5** to receive and consider the statement submitted by the Club in accordance with Section 30(3) of the Act and
 - 12.4.6** to appoint an Auditor pursuant to Clauses 35.1, 35.2 and 35.3.
- 12.5** The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- 12.6** The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

13. NOTICE OF ANNUAL GENERAL MEETING

- 13.1** The notice convening the annual general meeting shall be given to each member not less than 21 days before the date of the meeting and shall be accompanied by a form of Nomination of Committee of Management (see Clauses 27.1.1 and 27.1.2.
- 13.2** The signature to the notice convening the annual general meeting may be written, stamped, impressed, typed or printed.
- 13.3** Notice of the 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 Club's newsletter or journal or such other publication as the Club may circulate to its members provided that such publication is despatched to each Member not less than 30 days prior to the date of the annual general meeting or if they are served upon the Member personally not less than 28 days prior to the date of that meeting or if they are sent through the post not less than 30 days prior to the meeting addressed to each Member at the address shown on 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 such members.
- 13.4** A notice sent by post to a member shall be deemed to have been received by them at the time at which the notice would have been delivered in the ordinary course of post.
- 13.5** The accidental omission to give notice to a Member, or if a Member shall fail to receive a notice sent in accordance with the Sub-Clause 13.3 shall not invalidate an annual general meeting.

14. SPECIAL GENERAL MEETING

All general meetings other than the annual general meeting shall be called special general meetings.

- 14.1** The Committee may, whenever it thinks fit, convene a special general meeting of the Club and where but for this Sub-Clause more than 15 months would lapse between annual general meetings shall convene a special general meeting before the expiration of that period.
- 14.2** The Committee shall, on the requisition in writing of members representing not less than 10 of the total number of members, convene a special general meeting of the Club.
- 14.3** The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 14.4** If the Committee does not cause a special general meeting to be held within 1 month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than 3 months after that date, and the Secretary shall for that purpose, if requested by such members, furnish to them or otherwise make available a list of names and addresses of all members entitled to attend a special general meeting.
- 14.5** A special general meeting convened by members in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the persons incurring the expenses.

15. NOTICE OF SPECIAL GENERAL MEETING

- 15.1** Every special general meeting convened by the Committee shall be convened by notice given by the Secretary to each member of the Club specifying the date, time and venue of such meeting as prescribed in Sub-Clause 15.3. The signature to any such notice may be written, stamped, impressed, typed or printed.
- 15.2** At least 7 days prior notice shall be given in respect of each such meeting.
- 15.3** Notice of a special general meeting shall be deemed to have been given to each member if it is published in the Club's newsletter or journal or such other publication, provided that such publication is made and despatched to the members not later than 7 days prior to the date of the meeting or if it is served upon the Member personally or if it is sent through the post addressed to such member at the address shown in the Register of Members. A notice sent to one of a joint membership shall be deemed for all purposes to have been given to each of such members.
- 15.4** The accidental omission to give notice to a member or if a member shall fail to receive a notice sent pursuant to Sub-Clause 15.3 shall not invalidate a special general meeting.
- 15.5** A notice sent by post to a member shall be deemed to have been received by them at the time at which the notice would have been delivered in the ordinary course of post.

16. ADJOURNMENT OF MEETING

- 16.1** If at a special general meeting or at a Committee or Sub-Committee meeting a quorum shall not be present after the expiration of 30 minutes from the appointed time thereof, the meeting shall thereupon be adjourned in accordance with Clause 17.5.
- 16.2** A special general meeting of members or a meeting of members of a Committee or of a Sub-Committee shall have the power to adjourn its

proceedings from time to time for any period not exceeding at any one time one month.

17. PROCEEDINGS AT ALL MEETINGS OF MEMBERS

17.1 All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in Clause 12.4 as being the ordinary business of the annual general meeting shall be deemed to be special business.

17.2 Representation by proxy including voting by proxy is expressly precluded.

17.3 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.

17.4 10% of financial members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

17.5 If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members under Clause 14.4 and 14.5 shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3 shall be a quorum.

18. CHAIRMAN

18.1 The President, or in his/her absence, the Vice-President, shall preside as Chairman at each general meeting of the Club.

18.2 If the President and the Vice-President are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

19. ADJOURNMENT BY CHAIRMAN

19.1 The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

19.2 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.

19.3 Except as provided in Sub-Clauses 19.1 and 19.2 it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

20. QUESTIONS ARISING

20.1 A question arising at a general meeting of the Club shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or loss, and an entry to that effect in the Minute Book of the Club is evidence of the fact, without proof of the number or proportion of the vote recorded in favour of, or against that resolution.

21. VOTING ON QUESTIONS

- 21.1** Upon any question arising at a general meeting of the Club, a member has one vote only. A dual membership shall be entitled to 2 votes only unless expressly provided for otherwise in the Club's By-Laws.
- 21.2** All votes shall be given personally.
- 21.3** In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

22. POLLS ON QUESTIONS

- 22.1** If at a meeting a poll on any question is demanded by not less than 3 members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 22.2** A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

23. ENTITLEMENT TO VOTE

A member is not entitled to vote at any general meeting unless all moneys due and payable by them to the Association have been paid including the amount of the annual subscription payable in respect of the current financial year.

24. COMMITTEE OF MANAGEMENT

24.1 The affairs of the Club shall be managed by a Committee of Management constituted as provided in Clause 26.1.

24.2 The Committee

24.2.1 shall control and manage the business and affairs of the Club,

24.2.2 may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Club and

24.2.3 subject to these Rules, the Regulations of the Associations Incorporation Act, and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club.

24.3 No Office Bearer or Member of the Committee of the Club shall be liable for the acts, omissions or defaults of themselves or of any other Office Bearer or Committee Member for any loss, damage or expense howsoever arising as a result of any act, omission or default of any person (including themselves) or for any loss occasioned by any error of judgement or oversight or neglect on their part or for any other loss or damage whatsoever which may happen in their performance of their duties or in relation thereto unless the same shall happen through their own dishonesty, wilful act or default.

25. OFFICERS

25.1 The Officers of the Club shall be

- a President
- 2 Vice Presidents
- a Treasurer
- a Secretary
- a Assistant Secretary and

such other Officers as required (refer By-Law 2).

25.2 The provisions of Rule 26 so far as they are applicable and with the necessary modifications apply to and in relation to the election of persons to any of the offices mentioned in Sub-Clause 25.1.

25.3 Each Officer of the Club shall hold office until the annual general meeting next after the date of their election but is eligible for re-election.

25.4 In the event of a casual vacancy in any office referred to in Sub-Clause 25.1 the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office until the annual general meeting next following the date of their appointment.

26. COMMITTEE

26.1 Subject to Section 23 of the Act, the Committee shall consist of

the Officers of the Club and
6 ordinary members (refer By-Law 2)

each of whom shall be members of the V.C.A. and shall be elected at the annual general meeting of the Club each year.

26.2 Each ordinary member of the Committee shall, subject to these Rules, hold office until the annual general meeting next after the date of their election but is eligible for re-election.

26.3 In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Club to fill the vacancy and the member so appointed shall hold office, subject to these Rules, until the annual general meeting next following the date of their appointment.

27. ELECTION OF COMMITTEE OF MANAGEMENT

- 27.1** Nomination of candidates for election as Officers of the Club or as ordinary members of the Committee shall be :-
- 27.1.1** 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
- 27.1.2** delivered to the Secretary of the Club not less than 21 days before the date fixed for the holding of the annual general meeting.
- 27.2** 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 from members present and eligible to vote thereat, subject to each nominee consenting to such nomination.
- 27.3** 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.
- 27.4** If the number of nominations exceeds the number of vacancies to be filled, for the purpose of Sub-Clause 27.5 the Secretary shall, upon closure of nominations of candidates for election to the Committee of Management send forthwith to all members entitled to vote a list of all nominees in alphabetical order in respect of each position on the Committee of Management for which they have been nominated.
- 27.5** The election of the Office Bearers and ordinary members of the Committee shall be conducted at the Annual General Meeting in such manner as the Committee may direct.

28. VACANCY OF OFFICER/COMMITTEE

For the purposes of these Rules, the office of an Officer of the Club or of an Ordinary Member of the Committee becomes vacant if the Officer or Member :-

- 28.1** ceases to be a member of the Club,
- 28.2** becomes an insolvent under administration within the meaning of the Companies (Victoria) Code,
- 28.3** resigns their office by notice in writing given to the Secretary,
- 28.4** absents himself from 3 consecutive Committee meetings without leave of the Committee,
- 28.5** if as a member of the V.C.A. they are disqualified or suspended by the V.C.A. whilst the Club remains an affiliate of the V.C.A.

29. VOTING OF MEMBERS

- 29.1** At meetings of members or of the Committee or of a Sub-Committee the mode of voting shall in the first instance be by a show of hands, or if required by 2 members by an actual division or by ballot and the Chairman shall have an ordinary and in the case of equality also a casting vote and all questions shall be decided by the majority of votes of the members voting in person at any such meeting provided that on a resolution relating to the election of the Office Bearers or of the Members of the Committee or relating to the expulsion of members, the foregoing shall not apply and in lieu thereof votes shall be taken in accordance with the relevant Clause of the Rules.
- 29.2** Every member who was a financial member of the Club for not less than 3 months of the financial year preceding the Annual General Meeting and is currently a financial member shall be entitled to vote at the Annual General Meeting and shall be eligible to nominate or be nominated as an Office Bearer or Member of the Committee. Unless the Club's By-Laws provide otherwise a member may be nominated for and hold more than one position on the Committee.
- 29.3** A person becoming a Member between the closing date of the financial year preceding the Annual General Meeting and the date of the Annual General Meeting, shall not be eligible to vote at the Annual General Meeting, nor to nominate, or be nominated as an Office Bearer or member of the Committee.
- 29.4** In all matters not covered by these Rules the Rules of common debate shall apply provided always that the best interests of the general members of the Club be served and general members have the right to vote in favour or against any Committee decision.

30. MEETING OF THE COMMITTEE

- 30.1** Meetings of the Committee shall be held at such place and at such time as the Committee from time to time determines.
- 30.2** The Secretary or their representative shall attend all meetings of the Committee. The minutes of such meetings signed by the Chairman thereof or by the Chairman of a confirmatory meeting shall be accepted as sufficient evidence of the proceedings of such meeting.
- 30.3** The quorum for a Committee meeting shall not be less than 50% of the members thereof present in person.
- 30.4** The Secretary shall call a meeting of the Committee whenever requested to do so by the President or by 3 members of the Committee.
- 30.5** The President, or in their absence, or if they shall be unwilling to act, a Vice-President present or if present they shall be unwilling to act, then a Member of the Committee elected by the members thereof present in person shall be the Chairman of a meeting of the Committee.
- 30.6** A Member of the Committee shall not vote in respect of any contract or proposed contract with the Club in which they are interested or in respect of any matter arising thereout and if they do so vote, their vote shall not be counted.
- 30.7** All acts done by any meeting of the Committee or of a Sub-Committee thereof or of a Sub-Committee appointed by the members or by any person acting as a member of the Committee or of a Sub-Committee notwithstanding that it is afterwards discovered that there was some defect in the appointment of the Committee or of a Sub-Committee or of any person acting as aforesaid, or that the members of the Committee or any of them or of a Sub-Committee were disqualified shall be as valid as if any such person had been validly appointed and was qualified to be a member of the Committee or of such Sub-Committee.

30.8 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 has 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.

30.9 Business via E-mail

30.9.1 The Committee may use email from time to time should there be a need to conduct Club business of an urgent basis between set meetings. Should this be the case then all members of the Committee are to be copied on the email, and if a vote is to be taken then the majority of the committee must respond in favour of the vote. Should the vote be equal then the chairperson will have the casting vote (as per 29.1 of the constitution).

30.9.2 All business conducted via e-mail and there outcomes must be recorded in the minutes of the next committee meeting as a true and accurate record.

31. DUTIES OF SECRETARY

31.1 The Secretary shall exercise and perform all the usual secretarial functions and generally attend to the secretarial work of the Club and in particular shall keep and maintain -

31.1.1 the roll of members,

31.1.2 minutes of all proceedings of meetings of the Committee, and of the Club,

31.1.3 all necessary records of the affairs of the Club,

31.1.4 a complete record of awards made at all exhibitions and shows conducted by the Club, where necessary,

31.1.5 and Shall forward to the V.C.A. within 1 month of the Annual General Meeting an Audited Statement of Receipts and Expenditure and Balance Sheet of the Club.

32. DUTIES OF THE PUBLIC OFFICER

32.1 The Public Officer is to ensure that the Club holds its AGM within 5 months after the end of the financial year. In addition to this the public Officer shall :-

32.1.1 notify the Registrar of their appointment within 14 days - s.28(1)

32.2.3 notify any changes of address within 14 days - s.28(2)

32.2.4 notify alterations to the statement of purposes or rules within 1 month - s.22(2)

32.2.5 make application for approval of a change of name, if any, within the prescribed time - s.13

32.2.6 lodge with the Registrar the documents required by s.30(4) in respect of the Annual General Meeting within 1 month of the date of the meeting or such further period as the Registrar may allow - s.30(4)

32.2.7 produce any book to the Registrar or their authorised Officer on being required to do so - s.47(5)

32.2.8 tell the Registrar or their authorised Officer where a book is at the time a request is made - s.47(6)

32.2.9 not hinder or obstruct the Registrar or their authorised Officer whilst they are exercising powers of inspection and

32.2.10 ensure that the incorporated Club complies with its obligation to lodge with the Registrar particulars of Trusts within 14 days of becoming a trustee of that Trust.

33. DUTIES OF THE TREASURER

33.1 The Treasurer shall :-

33.1.1 receive all monies paid to the Club and cause the same to be paid into the banking account of the Club kept for such purpose as soon as reasonable after it was received.

33.2 keep all necessary books of account and financial statements as shall be required by the Auditors, the V.C.A. and the Act.

33.3 prepare the annual accounts and accompanying reports,

33.4 submit financial statements to all constituted meetings of the Committee and of the Club,

33.5 produce in General Meetings the cash books and bank passbook(s) when requested to do so,

33.6 keep vouchers for payments authorised by the Club and Committee and

33.7 keep a true and correct inventory of all property of the Club,

34. REMOVAL OF MEMBER OF COMMITTEE OR PUBLIC OFFICER

- 34.1** The Club in general meeting may by resolution remove any member of the Committee before the expiration of their term of office and appoint another member within 14 days in their stead to hold office until the expiration of the term of the first-mentioned member; however
- 34.2** Where the member to whom a proposed resolution referred to in Sub-Clause 33.1 makes representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and requests that they be notified to the members of the Club, the Secretary or the President may send a copy of the representations to each member of the Club or, if they are not so sent, the member may require that they be read out at the meeting.

35. BANKING ACCOUNT

- 35.1** The Committee shall cause a banking account to be opened with a recognised Bank and be kept in the name of the Club.
- 35.2** All cheques payable to the Club and monies received shall be deposited to the credit of the Club's banking account.
- 35.3** All monies payable on behalf of the Club amounting to \$50:00 or upwards with the exception of prize money shall be paid by cheque drawn upon the Club's bankers. Where an amount less than \$50:00 is paid in cash, the Treasurer, or such authorised Office Bearer, shall ensure a receipt is obtained at the time of the transaction.
- 35.4** All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and either one of two Office Bearers authorised to sign, or in the absence of the Treasurer, signed by two authorised Office Bearers on behalf of the Club.
Notice of every such authority or change thereof shall be given to the Club's bankers forthwith whenever the need shall arise.

36. AUDIT AND AUDITOR

- 36.1** Subject to any Regulation that may be made under Section 54(2)(b) of the Associations Incorporation Act the members at the Annual General Meeting shall appoint each year a qualified Auditor to be the Auditor of the Club and a person so appointed shall hold that office until the next Annual General Meeting. A casual vacancy occurring in the position of Auditor shall be appointed by the Committee.
- 36.2** Notice of the nomination of any person other than a retiring Auditor for appointment as Auditor shall be given to the members not less than 14 days before the Annual General Meeting at which the appointment of Auditor is to be made.
- 36.3** A person shall not be appointed or act as Auditor of the Club if that person is an Office Bearer or an ordinary member of the Committee or an employee of the Club or any person with a perceived conflict of interest. Such qualified Auditor to be a person with accountancy knowledge and their qualifications to be included in the Auditor's Report.

37. NOTICES

- 37.1** A notice may be served on behalf of the Club upon any member either personally or by sending it by post to the member at their last known address shown in the Register of Members.
- 37.2** Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

38. WINDING UP OR CANCELLATION

In the event of the winding up or the cancellation of the incorporation of the Club, the assets of the Club shall be disposed of in accordance with the provisions of the Act and Clause 41 of these Rules.

39. SEAL

39.1 The Common Seal of the Club shall be kept in the custody of the Secretary.

39.2 The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of 2 members of the Committee or of 1 member of the Committee and of the Public Officer of the Club.

40. CUSTODY OF RECORDS

40.1 Except as otherwise provided in the Act and in these Rules, the Secretary shall keep in their custody or under their control all books, documents and securities of the Club.

40.2 The books and documents referred to in Sub-Clause 39.1 shall be available for inspection by members, on request and at a mutually agreed time and place.

41. FUNDS

The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

42. PROPERTY

The property assets and income of the Club, wherever derived, shall be applied towards the promotion of the Statement of Purposes of the Club, and no portion thereof shall be paid or transferred either directly or indirectly to any member or members of the Club. Provided that nothing herein contained shall prevent the payment in good faith of remuneration or reimbursement to any officers or servants of the Club or any member in return for services actually rendered or for authorised expenses incurred nor prevent the payment of interest on money borrowed from any member of the Club. Should the Club for any reason whatsoever cease to function, the members may, at a meeting specially convened for the purpose of the winding up of the affairs of the Club, direct by resolution, passed by a majority of 75% of financial members, that the funds be donated to an approved charity or applied for use by an approved canine activity.

43. FINANCIAL YEAR

The financial year of the Club shall commence on the 1st day of October in each year, and terminate on the 30th day of September of the following year. Member fees must be paid on or before the 1st day of November each year, for continuity of membership.

44. ALTERATION OF RULES AND STATEMENT OF PURPOSES

These Rules and the Statement of Purposes of the Club shall not be altered except in accordance with the Associations Incorporation Act.

45. BY-LAWS MAKING AND AMENDING

Subject always to the Associations Incorporation Act, the V.C.A. Rules and Regulations, and these Rules, members in General Meeting by resolution passed by a majority of not less than 75% of the members present and voting in person may make By-Laws and may from time to time amend such By-Laws by variation, deletion or addition as they shall think fit in respect of -

- 45.1** nominations of members,
- 45.2** amount of joining fee, if any, and the annual membership subscription,
- 45.3** the conducting of ballots,
- 45.4** the holding and conducting of Shows and Exhibitions by the Club,
- 45.5** the granting of awards and prizes at such Shows or Exhibitions,
- 45.6** the manner and procedure of dealing with protests and objections made at Shows and Exhibitions subject always to the V.C.A. Rules.
- 45.7** meetings of members and of committees,
- 45.8** the publication of a Newsletter or Journal,
- 45.9** any matter the members consider necessary,

**BY-LAWS APPLICABLE TO THE CONSTITUTION OF
THE WEIMARANER CLUB OF VICTORIA INC.**

BY-LAW NO. 1

ANNUAL SUBSCRIPTION AND JOINING FEE

The annual subscription shall be determined in accordance with Clause 5 of the Constitution, and shall be in respect of the period 1st October to the 30th September of the year immediately following the Annual General Meeting at which such determination is made. Such fees must be reviewed bi-annually or at other times as may be deemed necessary by the Committee.

The annual subscription and joining fee are as follows -

Joining fee - initial application only	\$ 5.00
Junior Member	\$10.00
Ordinary Member	\$30.00
Breeder Member - Level 2	\$30.00
Breeder Member - Level 1	\$60.00
Associate Member	\$10.00

Definitions and inclusions see By-Law 5.

BY-LAW NO. 2

OFFICE BEARERS AND ORDINARY COMMITTEE MEMBERS

The Office Bearers shall consist of

- a President
- 2 Vice Presidents
- a Secretary
- a Treasurer
- a Assistant Secretary

The Ordinary Committee Members shall consist of not more than 6 persons, each of whom shall be members of the V.C.A. and shall be elected at the Annual General Meeting of the Club each year.

BY-LAW NO. 3

TENURE OF OFFICE

Full Committee elections shall be held annually. Successful nominees shall remain in office until the Annual General Meeting in the year following their appointment as an Office Bearer or Committee Member.

BY-LAW NO. 4

QUORUM

The quorum for a meeting shall be

Committee Meeting

50% of the Members of the Committee

Sub-Committee Meeting

50% of the members of the Sub-Committee

General Meeting of Members

10% of Financial Members.

The quorum for a General Meeting of Members and the Annual General Meeting shall be calculated from the financial members eligible to vote thereat, who are resident in the State of Victoria.

BY-LAW NO. 5

MEMBERSHIP

The membership of the Club shall consist of

JUNIOR MEMBER

Any person under 18 years of age may be a Junior Member of the Club, but shall cease to be a Junior Member at the end of the Financial Year in which he or she attains their 18th year. Such Member may participate in members meetings but shall not be eligible to vote thereat or hold office as an Office Bearer or ordinary Committee Member but shall be entitled to exercise all other privileges of membership.

ORDINARY MEMBER

Includes any one or more persons or family. Such members may participate and vote at members meetings i.e. 1 person 1 vote, family 2 votes (voters must be over 18 years of age).

BREEDER MEMBER

Any person or persons who are holders of a V.C.A. or like body Registered Breeder's Prefix with a maximum of 2 votes at members meetings. A Breeder Member may apply for one of the following membership levels

Level 1

Shall receive several free and other reduced fees for services provided within the Club structure as determined by the Committee

Level 2

Shall pay for each service provided within the Club structure i.e. Litter notices, Stud Dog Register, Tattooing, Advertising etc. as determined by the Committee.

HONORARY MEMBER

Any person who upon the recommendation of the Committee or upon a written nomination signed by not less than 5 members is elected by a resolution passed in General Meeting by a majority of not less than 75% of the members voting in person thereat as an Honorary member for such period as may be so determined and who in the opinion of such meeting has rendered outstanding service to the Canine Fancy or to the Club or for other good and sufficient reason and who need not comply with the provisions of Clause 4.1 and shall in addition have the rights and privileges of a financial member, but shall not be entitled to vote at General Meetings or hold office.

LIFE MEMBER

Any person who has been admitted to the Club as a member for life, in recognition of outstanding services rendered to the Club, or services rendered towards any of the objects of the Club.

NOMINATING A MEMBER FOR LIFE MEMBERSHIP

1. The nominee must be a current financial member of the Club.
2. Nominations can only be made and given to the Secretary by a current financial Member accompanied by supportive documentation.
3. Nomination must be submitted no later than two months prior to the Annual General Meeting to be voted upon.
4. Nominees can only be awarded Life Membership if passed by resolution at an Annual General Meeting by a majority of 75% of the members voting in person.
5. Life Members shall continue to enjoy all privileges of Ordinary Members, but shall not be liable to pay the annual membership subscription of an Ordinary Member.
6. If eligible Life members may stand for Office or Committee.

INTERSTATE/OVERSEAS MEMBER

A person resident other than in the State of Victoria - restrictions as above according to application type.

ASSOCIATE MEMBER

This is a single membership only and is generally for persons who wish to remain in contact with the Club and receives the Club's Newsletter or Journal via E-mail only.

This person may or may not /-

- Be a member of the VCA.
- Be active in Club activities.
- Live interstate or overseas.

This person would have no voting rights nor be eligible to stand for an Office or Committee position of the Club.

ANY OTHER CLASS OF MEMBER

