



*Rules of the American
Staffordshire Terrier
Club of Victoria Inc*

Amended 03.10.2010

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1. Name

The incorporated association is The American Staffordshire Terrier Club of Victoria (*in these Rules called "the Association"*).

2. Definitions

- (1) In these Rules, unless the contrary intention appears -
- "**Act**" means the Associations Incorporation Act 1981;
 - "**Committee**" means the Committee of Management of the Association;
 - "**Financial year**" means the year ending on 30 June;
 - "**General Meeting**" means a General Meeting of members convened in accordance with rule 12.
 - "**Member**" means a member of the Association;
 - "**Office Bearer**" means a member of the Committee holding executive office in the Association;
 - "**General Committee Member**" means a member of the Committee who is not an Office Bearer of the Association under Rule 21;
 - "**Regulations**" means regulations under the Act;
 - "**Relevant documents**" has the same meaning as in the Act.
- (2) In these Rules, a reference to the Secretary of an Association is a reference-
- (a) If a person holds office under these Rules as Secretary of the Association or has been appointed to act in that position - to that person; and
 - (b) In any other case, to the public Office Bearer of the Association.

3. Alteration of the rules

These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

4. Membership, entry fees and subscription

- (1) A person interested in any of the activities referred to in the Statement of Purposes of the Association is eligible to apply for membership of the Association. The proposed member is a representative under the proposed guidelines for membership as a representative of the American Staffordshire Club Of Victoria.
- (2) Membership of the Association may be divided into the following categories:
 - (a) Single Membership;
 - (b) Dual Membership;
 - (c) Pensioner Membership;
- (3) A person who applies and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these Rules. Annual subscription is due on the 1st of February each year.
- (4) A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless -
 - (a) He or she applies for membership in accordance with sub-rule (3); and
 - (b) The admission as a member is approved by the Committee.
- (5) An application of a person for membership of the Association must-
 - (a) Be made in writing in the form determined by the Committee;
 - (b) Be lodged with the Secretary of the Association;
 - (c) Be accompanied by the appropriate fees.
- (6) As soon as practicable after the receipt of an application, the Secretary must refer the application to the Committee.
- (7) The Committee must determine whether to approve or reject the application.
- (8) If the Committee approves an application for membership, the Secretary must, as soon as practicable, notify the applicant in writing of the approval for membership.
- (9) The Secretary must within 30 days after the approval referred to in sub-rule (5), enter the applicant's name in the register of members.
- (10) An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members.

- (11) If the Committee rejects an application, the Committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (12) A right, privilege, or obligation of a person by reason of membership of the Association-
 - (a) Is not capable of being transferred or transmitted to another person; and
 - (b) Terminates upon the cessation of membership whether by death or resignation or otherwise.
- (13) The Committee at any time and from time to time may fix the amount of the entrance fee for membership and / or the annual subscription.
- (14) A member may within thirty days after the end of the 12 month subscription, apply for re-admission as a member and upon payment of the annual subscription shall be deemed for all purposes, other than those provided for in rule 25, to have been re-admitted as a member.

5. *Register of members*

- (1) The Secretary must keep and maintain a register of members containing-
 - (a) The name and address of each member; and
 - (b) The date on which each member's name was entered in the register.

6. *Ceasing membership*

- (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign.
- (2) After the expiry of the period referred to in sub-rule (1)-
 - (a) The member ceases to be a member; and
 - (b) The Secretary must record in the register of members the date on which the member ceased to be a member.

7. *Discipline, suspension and expulsion of members*

- (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 by resolution-

- (a) Fine that member an amount not exceeding \$500; or
 - (b) Suspend that member from membership of the Association for a specified period; or
 - (c) Expel that member from the Association.
- (2) A resolution of the Committee under sub-rule (1) does not take effect unless-
- (a) At a meeting held in accordance with sub-rule (3), the Committee confirms the resolution; and
 - (b) If the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- (3) A meeting of the Committee to confirm or revoke a resolution passed under sub-rule (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 (4).
- (4) For the purposes of giving notice in accordance with sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice-
- (a) Setting out the resolution of the Committee and the grounds on which it is based: and
 - (b) Stating that the member 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
 - (c) Stating the date, place and time of that meeting; and
 - (d) Informing the member that he or she may do one or both of the following-
 - (i) Attend that meeting;
 - (ii) Give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) Informing the member that, if at that meeting, the Committee confirms the resolution, he or she may not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.
- (5) At a meeting of the Committee to confirm or revoke a resolution passed under sub-rule (1), the Committee must-
- (a) Give the member an opportunity to be heard; and
 - (b) Give due consideration to any written statement submitted by the member; and
 - (c) Determine by resolution whether to confirm or to revoke the resolution.

- (6) If at the meeting of the Committee, the Committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.
- (7) If the Secretary receives a notice under sub-rule (6), he or she 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.
- (8) At a General Meeting of the Association convened under sub-rule (7)-
 - (a) No business other than the question of the appeal may be conducted; and
 - (b) The Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) The member must be given an opportunity to be heard; and
 - (d) The members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (9) A resolution is confirmed if, at the General Meeting, not less than two-thirds of the members present vote in person in favor of the resolution. In any other case, the resolution is revoked.
- (10) A member will be instantly expelled
 - (a) If they are expelled/suspended from the VCA/Dogs Victoria or the Governing State Canine Body.
 - (b) Or is convicted of an offence under the Cruelty to Animals Act 1950/51, or Act thereof, or Act substituted therefore, or is convicted summarily or
 - (c) On indictment for an offence committed at an exhibition or show.

8. *Disputes and mediation*

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between-
 - (a) A member and another member; or
 - (b) A member and the Association.
- (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.
- (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.

- (4) The mediator must be-
 - (a) A person chosen by agreement between the parties; or
 - (b) In the absence of agreement –
 - (i) In the case of a dispute between a member and another member, a person appointed by the Committee of the Association; or
 - (ii) In the case of a dispute between a member and the Association, a person who is a mediator appointed by the Victorian Canine Association Inc/Dogs Victoria or a mediator appointed or employed by the Dispute Settlement Center or Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must-
 - (a) Give the parties to the mediation process every 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 to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (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.
- (11) All costs incurred in the mediation process are to be paid by the member/members involved.

9. *Annual General Meetings*

- (1) The Committee may determine the date, time and place of the Annual General Meeting of the Association.
- (2) The notice convening the Annual General Meeting must specify that the meeting is an Annual General Meeting.
- (3) The ordinary business of the Annual General Meeting shall be-

- (a) To confirm the minutes of the previous Annual General Meeting and of any General Meeting held since that meeting; and
 - (b) To receive from the Committee reports upon the transactions of the Association during the last preceding financial year; and
 - (c) To elect Office Bearers of the Association and General Committee Members;
- (4) The Annual General Meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. *Special General Meetings*

- (1) In addition to the Annual General Meeting, any other General Meeting may be held in the same year.
- (2) All General Meetings other than the Annual General Meeting are Special General Meetings.
- (3) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (4) If, but for this sub-rule, more than 15 months would elapse between Annual General Meetings, the Committee must convene a Special General Meeting before the expiration of that period.
- (5) The Committee must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a Special General Meeting of the Association.
- (6) The request for a Special General Meeting must-
 - (a) State the objects of the meeting; and
 - (b) Be signed by the members requesting the meeting; and
 - (c) Be sent to the postal address of the Association.
- (7) If the Committee does not cause a Special General Meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.
- (8) If a Special General Meeting is convened by members in accordance with this rule, the Committee must convene it and all reasonable expenses incurred in convening the Special General Meeting must be refunded by the Association to the persons incurring the expenses.

11. *Special Business*

- (1) All business that is conducted at a Special General Meeting and all business that is conducted at the Annual General Meeting, except for business conducted under the rules as ordinary business of the Annual General Meeting, is deemed to be special business. The nature of any special business is to be included in the notice convening the Annual General Meeting or Special General Meeting.

12. *Notice of General Meetings*

- (1) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a General Meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (2) Notice may be sent-
 - (a) By prepaid post to the address appearing in the register of members; or
 - (b) If the member requests, by facsimile transmission or electronic transmission.
- (3) Any business other than that set out in the notice convening the meeting may be conducted at the meeting as General Business.
- (4) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next General Meeting.

13. *Quorum at General Meetings*

- (1) No item of business may be conducted at a General Meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considered that item.
- (2) Any two Office Bearers present (being members entitled under these Rules to vote at a General Meeting) constitute a quorum for the conduct of the business of a General Meeting.
- (3) If, within half an hour after the appointment time for the commencement of a General Meeting, a quorum is not present-
 - (a) In the case of a meeting convened upon the request of members- the meeting must be dissolved; and

- (b) In any other case a new meeting is to be set by a meeting of the Committee of which notice must be given to all members as per rule 12(2)(a).
- (4) 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 personally present (being not less than 3) shall be a quorum.

14. *Presiding at General Meetings*

- (1) The President, or in the President's absence, the Vice-President, shall reside as Chairperson at each General Meeting of the Association.
- (2) If the President and the Vice-President are absent from a General Meeting, or are unable to preside, the members present must select one of their numbers to preside as Chairperson.

15. *Adjournment of Meetings*

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12.
- (4) Except as provided in sub-rule (13), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. *Voting at General Meetings*

- (1) Upon any question arising at a General Meeting of the Association, a member has one vote only.
- (2) All votes must be given personally.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote, except as provided for in rule 16 (8).
- (4) A member is not entitled to vote at a General Meeting unless all moneys due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

- (5) For the purposes of a ballot a Returning Officer shall be appointed at the General Meeting of members immediately preceding the Annual General Meeting or as the second item of business of the Annual General Meeting.
- (6) 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.
- (7) 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.
- (8) The Returning Officer shall declare the result of the ballot immediately after the votes have been counted and in the event of an equality of votes in favor of any candidate which could affect the election of any candidate the members at the Annual General Meeting shall elect one of such candidates to fill the vacancy by a resolution passed by a simple majority of members present and voting thereon.

17. Poll at General Meetings

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

18. Manner of determining whether resolution carried

- (2) If a question arising at a General Meeting of the Association is determined on a show of hands –
 - (a) A declaration by the Chairperson that a resolution has been-
 - (i) Carried; or
 - (ii) Carried unanimously; or
 - (iii) Carried by a particular majority; or
 - (iv) Lost; and
 - (b) An entry to that effect in the minute book of the Association-

Is evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against, that resolution.

19. *Committee of Management*

- (1) The affairs of the Association shall be managed by the Committee of Management known herein as the Committee.
- (2) The Committee-
 - (a) Shall control and manage the business and affairs of the Association; and
 - (b) May, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by General Meetings of the members of the Association; and
 - (c) Subject to these Rules, the Act and the Regulations, 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 Association.
- (3) The Committee shall consist of-
 - (a) Four Office Bearer Bearers of the Association; and
 - (b) A maximum of six General Committee Members
 - (c) The members of the Committee should not exceed 10 members, the Committee shall aim to have as its members representatives that have a variety of skills and talents and working knowledge and experience of the American Staffordshire Terrier

-Each of whom shall be elected at the Annual General Meeting of the Association in each year.

20. *Office Bearers*

- (1) The Office Bearers of the Association shall be-
 - (a) A President;
 - (b) A Vice-President;
 - (c) A Treasurer; and
 - (d) A Secretary / Public Officer.

- (2) The provisions of rule 24, 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 referred to in sub-rule (1).
- (3) Each Office Bearer of the Association shall hold office until the Annual General Meeting next after the date of his or her election but is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-rule (1), the Committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of the appointment.
- (5) The roll of Secretary and Treasurer can be held by a single person being a member of the Committee or by another person who is employed by the association.
- (6) A member must hold the position of General Committee Member for at least 8 months before they can be eligible to stand for an office-bearers position.

21. *General Committee Members*

- (1) Subject to these Rules, each General Committee Member shall hold office until the Annual General Meeting next after the date of election but is eligible for re-election.
- (2) In the event of a casual vacancy occurring in the office of a General Committee Member, the Committee may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of the appointment.

22. *Election of Office Bearers and ordinary Committee members*

- (1) Nominations of candidates for election of Office Bearers of the Association or as General Committee Members must be-
 - (a) Made in writing, signed by a member of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) Delivered to the Secretary of the Association not less than 14 days before the date fixed for the holding of the Annual General Meeting.
 - (c) The dates applicable to nominations for Office Bearers or General Committee Members must be specified in the notice convening the Annual General Meeting.

- (2) A candidate may be nominated for, but not hold, more than one Office Bearer or General Committee Member position. Except at the time there are less than 5 members of the Committee, and as provided for in rule 20 (5).
- (3) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the Annual General Meeting.
- (4) 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.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of Office Bearers and General Committee Members must be conducted at the Annual General Meeting in such manner as the Committee may direct.

23. Sub-Committee

- (1) The Committee may at any time appoint a sub-Committee if they deem one is needed, consisting of such member/members of the association as the Committee see fit.
- (2) The sub-Committee it to report directly to the Committee.

24. Nomination and Voting - Annual General Meeting

- (1) Every member who was a financial member for not less than six 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 a General Committee Member.

25. Vacancies

- (1) The office of an Office Bearer of the Association, or of a General Committee Member, becomes vacant if the Office Bearer or member-
 - (a) Ceases to be a member of the Association; or
 - (b) Becomes an insolvent under administration within the meaning of the Corporations Law; or
 - (c) Resigns from office by notice in writing given to the Secretary.

26. Meetings of the Committee

- (1) The Committee must meet at least 4 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President or by any Office Bearer of the Committee.

27. Notice of Committee meetings

- (1) Written notice of each Committee meeting must be given to each member of the Committee at least 2 business days before the date of the meeting.
- (2) Written notice must be given to members of the Committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

28. Quorum for Committee meetings

- (1) Any 2 Office Bearers constitute a quorum for the conduct of the business of a meeting of the Committee.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half of an hour of the time appointed for the meeting a quorum is not present-
 - (a) In the case of a special meeting the meeting lapses;
 - (b) In any other case the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The Committee may act notwithstanding any vacancy on the Committee.

29. Presiding at Committee meetings

At meetings of the Committee-

- (a) The President or, in the President's absence, the Vice-President presides; or
- (b) If the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their numbers to preside.

30. Voting at Committee meetings

- (1) Questions arising at a meeting of the Committee, or at a meeting of any sub-Committee appointed by the Committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (2) Each member present at a meeting of the Committee, or at a meeting of any sub-Committee appointed by the Committee (including the person presiding at the meeting), is entitled to one vote. Except dual membership members and members that are a couple (both parties being on Committee) are only entitled to one vote not one each, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

31. Proxies

- (1) No member shall be entitled to appoint another member or any other person as proxy.

32. Removal of Committee member

- (1) The Association in General Meeting may, by resolution, remove any member of the Committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) Any member of the Committee that misses 3 Committee meetings in a row without a good reason shall be removed from the Committee if the Committee deems fit.
- (3) A member who is the subject of a proposed resolution referred to in sub-rule (1) or (2) 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.
- (4) 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.

33. Minutes of meetings

- a. The Secretary of the Association must keep minutes of the resolutions and proceedings of each General Meeting, and each Committee meeting, together with a record of the names of persons present at Committee meetings.

34. Funds

- (1) The Treasurer of the Association must-
 - (a) Collect and receive all moneys due to the Association and make all payments authorized by the Association; and
 - (b) Keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the Committee.
- (3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

35. Seal

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal must be attested by the signatures either of two members of the Committee or, of one member of the Committee and of the Public Officer of the Association.

36. Notice to members

Except for the requirement in rule 12, any notice that is required to be given to a member, by on behalf of the Association, under these Rules may be given by-

- (a) Delivering the notice to the member personally; or
- (b) Sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) Electronic transmission, if the member has requested that the notice be given to him or her in this manner.
- (d) Or printed in the newsletter.

37. Winding up

- (1) In the event of the winding up or the cancellation of the Association, after all costs associated with the winding up have been met, all remaining funds shall be distributed to a like body with a non profit status as directed by the Committee subject to the provisions of the Act.

38. Custody of books and records

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.