

CONSTITUTION (RULES) & DOMESTIC REGULATIONS INDEX

GENERAL	
Affiliation	3
Common Seal	60
Definitions	5
Interpretation	4
Name	1
Objects	2
MEMBERSHIP	
Associate Members	10
Cancellation of Membership	9
Club Records	12
Eligibility for Membership	6
Privileges of Membership	7
Recognition of Membership	8
Resignations	11
ADMINISTRATION - GENERAL	
Alteration of Rules & Regulations	17
Management Committee	15
Office Bearers	13
Resolutions at a General Meeting	16
Secretary & Training Co-ordinator	14
ADMINISTRATION – FINANCIAL	
Auditor	21
Financial Management	18
Financial Year	20
Property	22
Subscriptions	19
Reserved 23 – 24	
ELECTIONS	
Nomination and Method of Election of Office Bearers	25
Special Vacancies	28
Term of Office	27
Voting for Office Bearers	26
Reserved 29, 30	
MEETINGS	
Committee Meetings	31
Convening of Committee Meetings	32
General Meetings	33
How Questions Are To Be Decided	39
Notices of Meeting	35
Presiding Officer	37
Quorum	38
Rescinding Resolutions	40
Special General Meetings	34
Voting Powers of Chairman	36
Reserved 41 – 44	
DISCIPLINARY	
Misconduct	45
Notification of Penalty	46
APPEALS	
Right of Appeal	47
Reserved 48,49	
PROCEDURE FOR APPEALS TO A GENERAL MEETING	
Appeal Procedure	54
Chairing the Appeal	52
Preliminary	50
Representation	51
Voting	53
Reserved 55 – 59	
SUSPENSION OR DISSOLUTION OF THE CLUB	
Dissolution Clause	61

CONSTITUTION (RULES)

GENERAL

- 1 NAME:** The name of the club is: TrackWest Dog Club Incorporated.
- 2 OBJECTS:** The objects of the club are:
- 2.1 To promote and encourage the sport of tracking in the State of WA.
 - 2.2 To promote and raise the standards of tracking by providing:
 - 2.2.1 General Tracking Information
 - 2.2.2 Assistance to Clubs and Newcomers to find Tracking Groups
 - 2.2.3 Organised Practical Training Sessions to include handlers, dogs, instructors, tracklayers and officials.
 - 2.3 To be affiliated with the Canine Association of WA Inc.
 - 2.4 To promote and support competitions in all practical ways and to hold such Trials as are permitted by the constitution of this association, or the ANKC in accordance therewith.
 - 2.5 To promote good fellowship and sportsmanship amongst members, other clubs and those interested in training and working dogs.
 - 2.6 To promote responsible dog ownership.
 - 2.7 To hold functions and lectures relating to dogs and to the purpose of the club generally.
 - 2.8 To foster relations with other clubs and bodies having similar aims.
 - 2.9 To invest the funds of the club not immediately required in such manner as the members or the committee in lieu thereof shall determine.
 - 2.10 To locate and negotiate new tracking grounds.

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

3 AFFILIATION:

This Club is affiliated with, and is bound by the Constitution and Rules of, the Canine Association of Western Australia (Inc.)

4 INTERPRETATION:

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

5 DEFINITIONS:

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

Annual General Meeting is the meeting convened under Rule 33.1

Committee Meeting means a meeting referred to in Rule 33

Committee Means the duly elected President and Members of the Committee of the Club and may include an Immediate Past President who shall be ex-officio.

Club Means a Club, Association or Society affiliated with the Canine Association of Western Australia.

General Meeting	means a meeting to which all members are invited convened under Rule 33.2
Member	means member of the Club
Special General Meeting	means a general meeting other than the annual general meeting
The Act	means the Association Incorporations Act 1987

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

MEMBERSHIP:

6 ELIGIBILITY FOR MEMBERSHIP

Subject as hereinafter provided:

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

7 PRIVILEGES OF MEMBERSHIP:

- 7.1 The privileges of ordinary membership of the Club shall consist of power to vote at any General Meeting of members, the right to be elected as an office bearer, subject to any qualification which may be prescribed in the Domestic Rules of the Club, and any other privileges which the Committee at a properly constituted meeting shall from time to time decide.
- 7.2 Full membership privileges shall be granted to a person not less than fourteen (14) days, and not more than sixty (60) days after receipt of new membership subscription or any other dues as provided in the Club Domestic Rules unless the membership has been refused under paragraph 6.2 above during the aforesaid sixty (60) days.

8 RECOGNITION OF MEMBERSHIP

Some form of Club Membership recognition is to be provided to members, by all dog clubs on joining the club and after renewal of membership. A receipt for membership with the same name of the club enfaced thereon, shall be deemed to be sufficient recognition.

9 CANCELLATION OF MEMBERSHIP

A member may have his membership cancelled provided that:

- 9.1 He has been given at least seven days notice of all charges to be presented against him and is granted a hearing at a properly constituted committee meeting.
- 9.2 Notice in writing sent by Certified Mail addressed to the person concerned at his usual or last known place of abode or business shall be deemed to be service of the notice which shall be deemed to have been served seventy two hours after being put in the post. Should the member not attend, the hearing may proceed in his absence.
- 9.3 A person whose membership has been so cancelled must be notified in writing forthwith and shall have the right to lodge an appeal to a General Meeting within sixty days of the cancellation. It shall be the responsibility of the President to call a General Meeting to deal with the appeal within ninety days of the appeal being lodged.

10 ASSOCIATE MEMBERS:

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

11 RESIGNATIONS:

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

12 CLUB RECORDS:

- 12.1 The Secretary, on behalf of the Club, must comply with Section 27 of the Act by keeping and maintaining, in an up to date condition, a register of the members of the Club and their postal or residential addresses.
- 12.2 A member may at any reasonable time inspect, without charge, the Membership Register, the books, documents, records and securities of the Club.
- 12.3 The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the members at a general meeting decide.
- 12.4 The Secretary must cause the name of a person who dies or who ceases to be a member under Rule 11 to be deleted from the register of members referred to in Rule 12.1.

ADMINISTRATION - GENERAL

13 OFFICE BEARERS:

- 13.1 The general management of the Club shall be vested in a Committee which shall consist of the duly elected President, Vice President(s), Secretary, Treasurer, Training Coordinator and such number of Committee Members, being not less than three, as a properly constituted General Meeting shall decide.
- 13.2 Patrons, Vice-Patrons and Auditor shall not be members of the Committee, and need not necessarily be members of the Club.

14

14.1 SECRETARY

The Secretary shall be elected by the members at the Annual General Meeting in accordance with Rule 26 hereof and should a special vacancy arise between two Annual General Meetings, the provisions of Rule 28 hereof shall apply.

14.1.1 The Secretary must:-

14.1.1.1 Co-ordinate the correspondence of the Club.

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

14.1.1.3 Comply on behalf of the Club with:-

a) Section 27 of the Act with respect to the register of members of the Club as referred to in Rule 12.

b) Section 28 of the Act by keeping and maintaining in an up to date condition the Rules of the Club, must make available those Rules for the inspection of the member and the member may make a copy of or take an extract from the Rules but will have no right to remove the Rules for that purpose; and

c) Section 29 of the Act by maintaining a record of:-

i) the names and residential or postal addresses of the persons who hold the offices of the Club provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the Common Seal of the Club under Rule 60; and

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

14.1.1.4 The Secretary must, upon the request of a member of the Club, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose.

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

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

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

14.2 **TRAINING CO-ORDINATOR**

The Training Co-ordinator should preferably be a Tracking Judge who has instructed in tracking training for a period of at least 3 years and have trialed a dog in tracking trials, or alternatively a person who has special expertise in tracking training and who has instructed in tracking training for a period of at least 3 years and have trialed a dog in tracking trials to at least TDX level.

15 MANAGEMENT COMMITTEE

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

Except that for Obedience and/or Agility Clubs and Combined Showing and Obedience and/or Agility Clubs, the Ordinary Members may, at a properly constituted General Meeting and following appropriate circularisation to members of a Notice of Motion in the Notice of Meeting, amend their constitution by applying the following rule which shall then be included in the Club's Rules:-

15.1 **Obedience and/or Agility Clubs**

At least 50% of the Committee, including the President shall be members of the Canine Association of Western Australia (Inc.) The remaining Committee members shall be financial members of the Club.

The Committee will comprise of:

President, Vice President, Secretary, Treasurer and any other office bearer positions and 5 Committee Members.

16 RESOLUTIONS AT A GENERAL MEETING

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

17 ALTERATION OF THE RULES & DOMESTIC REGULATIONS

17.1 The Rules and Domestic Regulations of the Club may be made, altered or amended by members of the Club at a General Meeting provided that

17.1.1 Notice of intention to propose such new Rule, alteration or amendment shall have been circulated to members at least 10 days prior to the meeting.

17.1.2 No resolution which in any way takes from ordinary and Life members equality of voting rights in the election of Office Bearers shall be put.

17.2 Any proposed new Rule or Domestic Regulation, alteration or amendment of existing Domestic Rules must have been carried by at least seventy-five per cent (75%) of the members voting at a general meeting called in accordance with Regulation 17.1 above and be approved by Governing Council before becoming effective.

ADMINISTRATION – FINANCIAL

18 FINANCIAL MANAGEMENT

18.1 The Committee shall have the control and management of the income and expenditure of the funds of the Club in the period between Annual General Meetings and shall also be responsible for the entire management and superintendence of all the Club's other affairs and concerns.

18.2 Accounts shall be opened with a bank or banks decided by the Committee and those authorised to operate on such accounts, being not less than three duly elected office bearers of whom one shall be the Treasurer, shall be chosen by the Committee from time to time; any cheque or withdrawal from those accounts shall be signed by two of the three authorised signatories.

18.3 **The Treasurer** must:-

18.3.1 Be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Club and must issue receipts for those moneys in the name of the Club.

18.3.2 Pay all moneys referred to in Rule 18.3.1. into such account or accounts of the Club as the Committee may from time to time direct.

18.3.3 Make payments from the funds of the Club with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised by the Committee.

18.3.4 Comply on behalf of the Club with sections 25 and 26 of the Act with respect to the accounting records of the Club by:-

- a) keeping such accounting records as correctly recorded and explain the financial transactions and financial position of the Club;
- b) keeping its accounting records in such a manner as will enable true and fair accounts of the Club to be prepared from time to time;

- c) keeping its accounting records in such manner as will enable true and fair accounts of the Club to be conveniently and properly audited;
and
- d) submitting to members at each annual general meeting of the Club accounts of the Club showing the financial position of the Club at the end of the immediately preceding financial year.

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

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

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

19 SUBSCRIPTIONS:

- 19.1 The annual subscription shall be fixed by the members at a properly constituted General Meeting and shall be recorded in the Annual General Meeting minutes, held by the Secretary, and shall continue to be payable until altered by any subsequent General Meeting. Notice to change the subscription shall appear on the notice paper convening the meeting.
- 19.2 The date of payment thereof shall also be fixed at a properly constituted general meeting of members and may be altered from time to time as the members think fit.
- 19.3 Any person whose subscriptions shall be unpaid for two (2) calendar months from the commencement of the financial year shall be deemed an unfinancial member and shall not be entitled to any privileges of membership.
- 19.4 Any person whose subscription shall be unpaid for twelve (12) calendar months from the beginning of the financial year shall cease to be a member of the club.

20 FINANCIAL YEAR:

The Club's financial year shall end on 31st August...

21 AUDITOR:

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

22 PROPERTY

All property of the Club shall be vested in the Committee who shall hold it for and on behalf of the Club.

- 22.1 **The Secretary** must, unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Club, including those referred to in Rule 14.2.3 but other than those required by Rule 18.3 to be kept and maintained by, or in the custody of, the Treasurer.
- 22.2 **The Treasurer** must unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Club, including those referred to in Rule 18.3.4 and 18.3.5.

Reserved 23,24

ELECTIONS

25 NOMINATION AND METHOD OF ELECTION OF OFFICE BEARERS:

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

- 25.1 Should the number required and no more be so nominated the Chairman of the meeting shall declare all candidates elected.
- 25.2 Should the number nominated exceed the number required, a ballot shall be taken to decide who shall fill the vacancies.
- 25.3 Should a less number than required be nominated prior to the commencement of the meeting, the vacancy shall be filled in accordance with the Club's Domestic Rules.
- 25.4 A returning officer who shall be a financial member of the Club shall be appointed at a Committee Meeting, prior to the General Meeting, and two scrutineers shall be appointed at the meeting to assist the Returning Officer.
- 25.5 During the election of officers, the Returning Officer shall control the meeting, supervise the voting and may exercise a deliberative vote. In the event of a drawn ballot he shall exercise a casting vote and announce the final voting figures.

26 VOTING FOR OFFICE BEARERS:

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

27 TERM OF OFFICE

- 27.1 Office bearers shall commence to hold office upon the day following the meeting at which they are elected.
- 27.2 The President, at least one Vice President, Secretary, Treasurer and any other office bearer shall retire annually but shall be eligible for re-election subject to nomination.
- 27.3 The Training Coordinator will serve a 2 year term after which they shall retire but shall be eligible for re-election subject to nomination.
- 27.4 One third of the remainder of the Committee or such number being not less than one third, as the members of the Club at a properly constituted General Meeting shall decide, shall retire each year and shall be eligible for re-election.
- 27.5 Any Committee member being absent from three consecutive committee meetings without reasonable cause may have his or her position declared vacant. The Committee shall be the sole judge as to whether the excuse rendered shall be considered reasonable.
- 27.6 No person shall hold office as a Committee Member for longer than three consecutive years without standing for re-election.
- 27.7 The Patron(s), Vice Patron(s) and Auditor shall be appointed annually at the Annual General Meeting.
- 27.8 Resignation from Office shall be made in writing, and shall not be effective until its formal acceptance at a properly constituted Committee Meeting.

28 CASUAL VACANCIES:

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

- 28.1 Vacancy in the office of President caused by death, resignation or otherwise shall be automatically filled by the Senior Vice President who shall retain office for the remainder of the period for which his predecessor was appointed and the office of Senior Vice President will then be filled by the Junior Vice President, should the office of Junior Vice President be included on the committee, and that office declared vacant.
- 28.2 **Secretary/Treasurer:** vacancy in the office of Secretary/Treasurer caused by death, resignation or ineligibility, any office bearer of the Club may be appointed to the position of Secretary/Treasurer in which case the person so appointed shall be deemed to have resigned from the office previously held by him or her.
- 28.3 Vacancies in the number of Office Bearers or Committee (other than the President) caused by death, resignation, or ineligibility, and occurring at any time between two Annual General Meetings, shall be notified by the Secretary to the Committee prior to the first Committee Meeting held thereafter, and all such vacancies shall be filled by the Committee

at that or a subsequent meeting. Any member so appointed shall retain office only for the remainder of the period for which his predecessor was appointed.

- 28.4 **Auditor:** in the case of the vacancy arising in the office of Auditor through any cause prior to the date of the Annual General Meeting, such vacancy shall be filled by the Committee immediately and such person or firm so appointed to fill such vacancy shall hold office until the first day of the month following the Annual General Meeting.

Reserved 29, 30.

MEETINGS

31 COMMITTEE MEETINGS:

- 31.1 Meetings of the Committee shall be held at such times as the President or a majority of the Committee considers necessary.
- 31.2 A meeting shall be held within one month of a Special Vacancy occurring to deal with that and any other outstanding business.
- 31.3 A meeting shall be held prior to the Annual General Meeting to appoint the Returning Officer, to determine all other requirements for the conduct of the Annual General Meeting and to conduct any other outstanding business.
- 31.4 Meetings shall be held not less than twice annually.
- 31.5 At a Special Meeting of the Committee, no business shall be transacted other than that for which the meeting has been called, and of which Committee members have had due notice.

32 CONVENING OF COMMITTEE MEETINGS:

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

33 GENERAL MEETINGS:

- 33.1 The Annual General Meeting of members shall be held each year within two calendar months of the end of the Club's previous financial year. Such meetings shall:
- 33.1.1 Elect the office bearers of the Club in accordance with these Rules.
- 33.1.2 Elect the Auditor of the Club.
- 33.1.3 Consider the annual report and yearly statements of accounts.
- 33.1.4 Attend to any other business with which it is competent to deal under these Rules.
- 33.2 Other General Meetings shall be held from time to time as and when considered necessary by the Committee or in accordance with the Regulations.
- 33.3 The President of the Canine Association of Western Australia (Inc), or his Deputy, shall have the right to attend as an observer at any General or Special General Meeting of an affiliated Club.

34 SPECIAL GENERAL MEETINGS:

A Special General Meeting shall be called at any time by the Secretary, on the direction of the president, or on the requisition in writing of one-third of the financial members, but no business shall be transacted at any such meeting other than for that which it has been called.

(Note: Regulation 33.3 applies.)

35 NOTICES OF MEETING:

- 35.1 Notices of any General or Special General Meeting shall be posted or delivered to members at least ten days prior to the time fixed for such meetings.

- 35.2 Notices of any meeting may be published in the Canine News but the Club shall be responsible for posting notices to club members who are not financial members of the Association.
- 35.3 Notices published in the public press shall not be considered sufficient to comply with this rule.
- 35.6 The accidental omission to give notice to a member of any such meeting or the non-receipt of any such notice by a member shall not invalidate any resolution passed at any such meeting.

36 CHAIRPERSON and VICE-CHAIRPERSON:

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

37 VOTING POWERS:

- 37.1 Each Committee member has a deliberative vote.
- 37.2 A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.

38 QUORUM:

- 38.1 At all General Meetings a quorum shall consist of twenty (20) financial members or one fifth of the number of financial members residing within a radius of 30km of the main Post Office of the town, city or area concerned, whichever is the lesser, except that the minimum number of members required to form a quorum at any general meeting shall be ten.
- 38.2 If within 30 minutes after the time specified for the holding of a General Meeting in a notice given under Rule 35.
 - 38.2.1 a quorum is not present the general meeting lapses; or
 - 38.2.2 the General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 38.3 If within 30 minutes of the time appointed by Rule 38.2.2 for the resumption of an adjourned General Meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of that General Meeting as if a quorum were present.
- 38.4 When a General Meeting is adjourned for a period of 30 days or more the Secretary must give notice under Rule 35 of the adjourned General Meeting as if that General Meeting were a fresh General Meeting.
- 38.5 At all committee meetings a quorum shall consist of fifty percent (50%) of all members. In the event of a quorum not being reached within thirty (30) minutes of the appointed time for any meeting, such meeting shall be abandoned.

39 HOW QUESTIONS ARE TO BE DECIDED:

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

40 RESCINDING RESOLUTIONS:

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

- 40.2 For the purposes of this Rule, in the case of equality of voting the motion shall be deemed to be lost.
- 40.3 All Notices of Motion must be circulated to members at least ten days prior to the meeting at which the motions are to be dealt with.

Reserved 41 – 44

DISCIPLINARY

45 MISCONDUCT

Any member violating the rules of the Club may be disqualified, fined or otherwise penalised by the Committee, and any member who shall be proved to the satisfaction of the Committee to have conducted himself in connection with dogs or shows or in any way which would make it undesirable that he should continue to be a member, may be penalised provided that the member has been granted a hearing in accordance with Regulation 9.

46 NOTIFICATION OF PENALTY

A person who has been penalised under Rule 45 shall have the right to appeal must be notified in writing forthwith by officially recorded mail and shall have the right to appeal to a General Meeting. The notification of any finding against a member/s shall be accompanied by the Regulations covering the lodgement and hearing of an Appeal.

APPEALS

47 RIGHT OF APPEAL

- 47.1 Notice of Intent to Appeal must be received by the Secretary of the Club within seven days of receipt of notification by officially recorded mail of the determination against which an appeal is to be made
- 47.2 A date for an Appeal shall be set insofar as is possible between the Club and the appellant but shall be at least four weeks and not more than ninety days after the Notice of Intent to Appeal has been received. It shall be the responsibility of the President to finally set the date and call a General Meeting to deal with an appeal.
- 47.3 Grounds for an appeal must be precise and stipulate in detail each of the grounds on which it is based and must be submitted to the Club at least fourteen days prior to the date set for the appeal to be heard. Should the grounds for appeal not be received by the Club Secretary at least fourteen days prior to the date set for the appeal to be heard then the appeal shall lapse.
- 47.4 No new evidence may be permitted in an appeal.
- 47.5 Should sufficient new evidence be raised in the grounds for an appeal and adequate reasons given why it was not raised at the original hearing, the Club's Executive comprising any two of the President, Vice President/s or Club Secretary may if they see fit order a new hearing by the Club Committee.
- 47.6 The appellant shall have the right to personally present his/her appeal or he/she may be represented provided that such representative shall not be a legal practitioner.

Reserved 48,49.

PROCEDURE FOR APPEALS TO A GENERAL MEETING:**50 PRELIMINARY**

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

51 REPRESENTATION

- 51.1 The appellant may be represented by a person who is not, nor has been, a legal practitioner.
- 51.2 If the appellant is to be represented, the person representing the appellant shall give his/her name and profession, in writing, to the Adjudicator prior to the commencement of proceedings. If the appellant is represented, only the representative may speak on his behalf during the hearing.

52 CHAIRING THE APPEAL

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

53 VOTING

- 53.1 A simple majority will carry or defeat any Motion.
- 53.2 The Adjudicator will not exercise a vote.
- 53.3 All voting on the charges to be by secret ballot.
- 53.4 Equality of voting means the status quo remains; i.e. the appeal is lost.
- 53.5 Each charge will be dealt with in turn and either upheld or rescinded.
- 53.6 Should all charges against the appellant be rescinded all penalties imposed on him/her shall be automatically lifted.
- 53.7 Should one or more, but less than all of the charges be rescinded, it is open to the meeting to move either of the following.
 - 53.7.1 That the penalties imposed be ratified.
 - 53.7.2 That the penalties imposed be rescinded.
 - 53.7.3 That the penalties be varied as specified by the meeting.

54 APPEAL PROCEDURE

- 54.1 The appellant or his representative to move that the determination/s against him/her be rescinded and present the grounds for appeal and call witnesses if desired. The appellant may say why the Committee's decision is thought to be wrong or set out grounds for showing why the Committee's decision should not be put into effect.
- 54.2 The Committee representative may question the appellant/representative and/or witness.
- 54.3 The appellant or his representative may question the Committee representative and/or witnesses.
- 54.4 The Committee may question the Committee representative the appellant or representative or witnesses.
- 54.5 Members may question the Committee or the appellant or his representative or witnesses.

Reserved 55 – 59

60 COMMON SEAL**This Regulation must be adopted by Incorporated Bodies.**

- 60.1 The Club shall have a common seal on which its corporate name shall appear in legible letters.
- 60.2 The common seal of the Club shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the Club Minute Book.
- 60.3 The affixing of the common seal of the club shall be witnessed by any two of the President, Secretary and the Treasurer or other nominated office bearer.
- 60.4 The common seal of the Club shall be kept in the custody of the Secretary or such other person as the Committee from time to time decides.

61 DISSOLUTION CLAUSE:

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

DR1 DOMESTIC RULES OF THE CLUB:**1.1 ANNUAL SUBSCRIPTIONS:**

The Annual Subscription shall be determined by the members at the Annual General Meeting and shall be in respect of the period 1 January to 31 December immediately following such General Meeting at which such determination is made. It shall be based on the following formula:

1.1.1 Single Member To be determined at the annual General Meeting

1.1.2 Family Member Single plus 50%

1.1.3 Life Member Nil

1.2 QUALIFICATIONS FOR MEMBERSHIP:

Shall be as defined in Rule 6 hereof.

1.3 REGISTER OF MEMBERS:

Shall be as defined in Rule 12 hereof.

1.4 COMMITTEE:

The office bearers shall consist of President, Vice President, Secretary and Treasurer each of whom will have been a financial member of the Club for at least one month.

The Committee of the Club shall consist of five persons each of who will have been a financial member of the Club for at least one month. If insufficient nominations for position on the committee are received, further nominations shall be called from the floor at the Annual General Meeting.

Other office bearers, ie, Assistant Secretary, Trial Secretary may be appointed from the Committee.

The Executive Committee has the power to form sub-committees as required.

The Committee shall be empowered to co-opt or elect persons as needed through the year to fill resignations on the committee.

Note: The qualification periods for election and nomination to an office or committee position shall have no effect until 1 January 1997.

1.5 TENURE OF OFFICE:

The office bearers and committee members shall be elected annually. Three Committee members shall serve a two year term. On formation of a new Committee, a ballot shall determine which three of the newly elected Committee members shall serve a two year term unless there is acceptance for a one year term.

1.6 COMMITTEE VACANCIES WHERE INSUFFICIENT NOMINATIONS ARE RECEIVED:

Should insufficient nominations be received at the Annual General Meeting the vacancies will be filled by appointment by the committee at the first Committee meeting following the Annual General Meeting.

1.7 MEMBERSHIPS:

The memberships of the Club shall consist of:

Single Membership

1.7.1 Family Membership

1.7.2 Life Members;

Any person who has been a member of this club for at least 10 years may be nominated as a Life Member in recognition of services to the club, or services rendered toward any of the objectives of the club. Any person nominated will be granted Life Membership by the full committee and this action shall be ratified by the members at a General Meeting of the Club. However not more than two people may be appointed Life Member in any one financial year. The committee will be responsible in making sure that this honour is not given lightly.

1.8 FINANCIAL YEAR:

The Club's financial year shall be start on the first day in September and end on the thirty first day of August the following year.

1.9 OFFICE BEARERS:

At least 50% of the committee, including the President, shall be ordinary members of the Canine Association of Western Australia (Inc.) Executive positions, excluding the office of President, may be held by Associate members of the Canine Association of Western Australia (Inc.) as defined in Rule 15 hereof. The remaining committee members shall be financial members of the Club.

1.10 VOTING RIGHTS:

All financial members are eligible to vote at General Meetings and the Annual General Meeting, provided that they have been financial members of the club for at least one month prior to such meeting.

1.11 COMPLAINTS AND DISPUTES:

Complaints by any member about another member must be made in writing to the Committee within five days of the incident occurring. Response by the members complained against may also be made in writing to the Committee. Both letters will be taken to a closed Special Committee meeting, where it will be decided whether any further action need be taken. No discussion will occur between members outside Committee.

1.12 ALTERATIONS TO DOMESTIC RULES:

No alteration, addition or amendment to these rules shall be made except at a General Meeting of which due notice of intention has been given in accordance with rule 17 hereof.

1.13 COMMON SEAL OF ASSOCIATION:

1.13.1 The Association shall have a common seal on which its corporate name shall appear in legible characters.

1.13.2 The common seal of the Association shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in minutes prepared and maintained by the Secretary in accordance with the provisions of Rule 60.4 below.

1.13.3 The affixing of the common seal of the Association shall be witnessed by any two of the President, the Secretary and the Treasurer.

1.13.4 The common seal of the Association shall be kept in the custody of the Secretary or of such other person as the committee from time to time decides.

1.14

1.14.1 The Secretary shall cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.

1.14.2 The President in acting as Chairperson shall ensure that the minutes taken of a general meeting or Committee meeting under subrule 63.14.1 are checked and signed as correct by the Chairperson of the general meeting or Committee meeting to which those minutes relate or of the next succeeding general meeting or Committee meeting, as the case requires.

1.14.3. When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proven, be evidence that:-

1.14.3.1 The General meeting or Committee meeting to which they relate (in this subrule called “the meeting”) was duly convened and held;

1.14.3.2 All proceedings recorded as having taken place at the meeting did in fact take place thereat; and

1.14.3.3 All appointments or elections purporting to have been made at the meeting have been validly made.

1.15 INSPECTION OF RECORDS, ETC OF ASSOCIATION:

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

1.16 Any member who misappropriates, damages or causes loss or breakage of the club’s property shall forthwith make good any loss or breakage as the committee may direct.

1.17

1.17.1 No member’s dog or dogs shall be off lead during official training sessions unless being trained and supervised by an instructor.

1.17.2 Any member not complying with a request to place their dog back on lead, by a committee member or instructor, shall be disciplined at the committee’s discretion.

1.18 Bitches in season are not permitted at training for three (3) weeks after the onset of oestrus. (Note this rule has been suspended for a 12 month trial period as agreed by the members at Club Meeting. 30th January 1996)

1.19 Club joining fees and membership fees are non-refundable.

- 1.20 All members are expected to volunteer assistance in line with the club's statement of purposes.
- 1.20.1 Members' dogs are not permitted to chase or harass livestock or wildlife whilst visiting tracking areas.
- 1.20.2 Members should ensure that they remove all rubbish and keep any tracking areas clean.
- 1.20.3 Members to ensure that they provide adequate shade and water for their dogs at all times.
- 1.20.4 Members shall take all reasonable steps to maintain cordial relationships with other legitimate users of tracking areas.
- 1.20.5 The person authorised by the committee may order the removal from the training session, of any dog and/or handler whose conduct is objectionable.
- 1.20.6 The committee shall be empowered to discipline any handler who wilfully interferes with another member's training, or another member's dog, or whose behaviour is objectionable.
- 1.21. Intellectual property included but not limited to written work, maps, charts, diagrams, artwork, audio and video recordings, computer files etc, prepared on behalf of or in the name of the club shall remain the property of the club. Notwithstanding this the committee may at its sole discretion recompense the author(s) of such material for expenses necessarily incurred in producing the material.

DR2 PROPERTY & INCOME

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