

SOUTH AUSTRALIAN CANINE ASSOCIATION INC

REGISTRATION NUMBER A000003996

CONSTITUTION

APRIL 1994

**AMENDED OCTOBER 1996
AMENDED FEBRUARY 1998
AMENDED FEBRUARY 1999
AMENDED FEBRUARY 2000
AMENDED FEBRUARY 2001
AMENDED FEBRUARY 2002
AMENDED FEBRUARY 2003
AMENDED MARCH 2005
AMENDED MARCH 2009
AMENDED NOVEMBER 2009
AMENDED MARCH 2010
AMENDED MARCH 2011
AMENDED MARCH 2018
AMENDED MARCH 2019
AMENDED MARCH 2021
AMENDED MARCH 2022**



**CONSTITUTION OF
SOUTH AUSTRALIAN CANINE ASSOCIATION INC.**

1. The name of the Association is South Australian Canine Association Inc. and the Association is an incorporated association pursuant to the Associations Incorporation Act 1985 as amended.

2. **DEFINITIONS**

In this Constitution unless the contrary intention shall be expressed:

- Dog means a dog or bitch recorded in the Register.
- Affiliate or Affiliate Member means a club, society, association or body admitted by the Association as an affiliate member of the Association.
- Fees refers to and includes any monies payable to the Association in respect of any subscription or registration or in respect of any entry in the records of the Association and shall include charges made by the Association in respect of an inspection of dogs or of the records or books of a member or an affiliate member and shall include penalty fees.
- Financial Year means the one-year period commencing on the first day of January in any year.
- The Association means South Australian Canine Association Inc.
- The Council means those financial members of the Association who are elected by the members or who are otherwise appointed to the various offices hereinafter mentioned for the terms of office hereinafter specified.
- The Executive Officer means the person for the time being employed in such capacity by the Association and shall extend to and include any Assistant Executive Officer.
- The Office or The Office of the Association or The Office of the Executive Officer means those premises used or occupied by the Association as its Office, or those premises otherwise declared by the Council to be the Office of the Association.
- The Register means the Register of dogs kept by the Association.
- Writing means printing and duplicating or any other like means of communication.
- Constitution means the constitution for the time being of the Association.
- Exhibition includes a Championship Show, Parade, Open Show, Sanction Show, Trial, Test, Competition or other Canine display approved by the Council.
- Rules mean the Rules promulgated by the Council from time to time pursuant to the provisions of the Constitution.
- Words importing the male gender shall where the context so permits or requires include the female and neuter genders and the singular number shall include the plural.

3. **OBJECTS**

The objects of the Association are:

- (a) To encourage promote and regulate the breeding of pure bred dogs.
- (b) To encourage, promote and regulate the training of dogs in Obedience, Agility, Tracking, Endurance, Retrieving, Field Trials, Herding, Dances With Dogs and Earthdog, Lure Coursing and Sled Sport. **03/18**
- (c) To encourage, promote and regulate the sport of Dog Exhibitions and all association recreational activities that provide benefits for members and affiliates interested in;
 - (i) the breeding, caring, upbringing, training, exhibiting, buying and selling of dogs and;
 - (ii) bring about the assembly and association of persons and bodies having like interests. **03/05**
- (d) At the Associations headquarters and elsewhere as decided by Council make available premises, literature and equipment to members and affiliates suitable for or relating to;
 - (i) training, trialling and exhibition of dogs and for the holding of schools in dog obedience and associated activities;
 - (ii) for the conduct of seminars, conferences and meetings relating to the breeding, training, trialling, exhibiting, buying and selling of dogs and;
 - (iii) any other activity conducive to the attainment of the objects of the Association. **03/05**
- (e) To obtain recognition within the Commonwealth of Australia and elsewhere as an

expert authority in all matters and affairs relating to dogs and likewise to obtain such recognition in relation to exhibitions, schools, classes and publications conducted or made by the Association.

- (f) To compile and keep current a register of dogs containing all such information as may from time to time be considered beneficial to members.
- (g) To hold, promote, regulate and conduct exhibitions of dogs and provide judges for the judging of dogs and to maintain records of prize winners and to control, manage and be concerned in exhibitions of dogs by Affiliate Members and other qualified persons or bodies.
- (h) To encourage, promote and regulate the responsible ownerships and care of dogs by the public and persons not being members of the Association.
- (i) To provide for, undertake and regulate the training of Judges, Stewards in all disciplines and fields and to maintain a list of persons suitably qualified to act as Judges and Stewards.
- (j) To become associated and/or affiliated with other kindred bodies within the Commonwealth of Australia or elsewhere.
- (k) To provide social and recreational association and facilities for members.
- (l) To make representations to and negotiate with Commonwealth State and Local Government authorities on matters relating to canine affairs and the affairs of members and Affiliate Members.
- (m) To do all things directly or indirectly incidental to the foregoing objects as the Association shall from time to time decide.

4. **MEMBERSHIP**

- (a) Any person who was a member of the Association pursuant to the preceding constitution of the Association shall notwithstanding the provisions hereof have and hold all of the rights, benefits and privileges of membership as though his membership was duly established hereunder.
- (b) The membership of the Association shall be divided into the classes of membership prescribed by this Constitution and such other classes as shall be prescribed by the Council from time to time and there shall attach to each such class of membership the rights, benefits, privileges, restrictions and liabilities as are set out in this Constitution and are otherwise prescribed by Council.
- (c) Any person may apply to become a member of the Association by lodging with the Executive Officer written application for membership in such form as the Association shall from time to time prescribe and paying the prescribed joining fee and membership fee.
- (d) An application for membership shall be determined by the Council which may grant or conditionally grant or refuse such application without assigning any reason therefore.
- (e) The Council may admit an applicant for membership to membership of a particular class of members with such preferred or deferred or additional or lesser rights, benefits, privileges, restrictions or liabilities as may be applicable to such class of members and upon being granted membership to such a class, a successful applicant shall be bound by all conditions, restrictions and rules as may be applicable to that class.
- (f) Pro Rata fee structure for new members only is calculated as follows:
3rd month – reduced to 75% of the full year subscription.
6th month – reduced to 50% of the full year subscription.
9th month – reduced to 25% of the full year subscription. **01/10**
- (g) Any person joining the Association after 1 November in any year shall pay the full joining fee and relevant membership fee and shall thereupon be admitted as a member until 31 December in the following year.

5. **RENEWAL OF MEMBERSHIP**

- (a) The membership of a member other than a Life Member or Permanent Member shall endure for a period not exceeding one calendar year commencing on the first day of the Financial Year and expiring on the following 31 December.
- (b) Every member shall be entitled to re-apply for membership from year to year by tendering to the Executive Officer prior to the end of the Financial Year the amount from time to time prescribed as being the annual subscription.

6. **LIFE MEMBERSHIP**

- (a) Subject to sub-clause (b) the Council shall appoint as a Life Member any member of the Association in respect of whom a resolution at an Annual General Meeting or a Special General Meeting has been carried that such member should be so appointed and a member so appointed shall not be required to renew his membership in accordance with the foregoing provisions hereof but shall retain membership of the Association for his life unless otherwise determined by virtue of any exercise of the disciplinary provisions of this Constitution.
- (b) The criteria for Life Membership of the Association shall be;
 - (i) Minimum of twenty-five (25) years continuous full membership of the Association;
 - (ii) During this period of membership the member must have participated in the organisational and/or promotional activities of the Association for a minimum of ten (10) years separate from any involvement with an Affiliate Club.

7. **CESSATION AND SUSPENSION OF MEMBERSHIP**

- (a) A member shall cease to be a member of the Association if:
 - (i) he resigns by notice in writing addressed to the Executive Officer;
 - (ii) he dies;
 - (iii) his membership is terminated or he is otherwise disqualified pursuant to the disciplinary powers herein contained;
 - (iv) he fails to renew his membership as aforesaid
 - (v) he is convicted within or outside of the State of South Australia of an offence involving fraud or dishonesty punishable on conviction by imprisonment of a period of not less than three months.
- (b) During the period in which the membership of a member has been suspended the member shall not be entitled to the benefits or the rights of a member granted by this Constitution and the Rules and such member shall be precluded from carrying out business with the Association including but not limited to the registration of dogs, registration of litters, transfers, leasing, the handling of dogs and entrance in Exhibitions.

8. **AFFILIATE MEMBERS**

- (a) Any club, society, association, partnership or registered business in the state of South Australia primarily concerned with the breeding, caring, upbringing, training and exhibition of dogs or any aspect thereof may apply to become an Affiliate of the Association by lodging with the Executive Officer an application on the prescribed form and every application for Affiliate membership shall be accompanied by:
03/19
 - (i) an up to date copy of the Constitution or other documentation whereunder the applicant operates in a form approved by the Council;
 - (ii) evidence of the incorporation of the Affiliate Member pursuant to the Associations Incorporations Act 1985 (as amended) or such other legislation as may replace the said Act from time to time;
 - (iii) a completely prepared statement of the financial affairs of the applicant;
 - (iv) where the applicant is a club, society or association, a statement signed by an authorised officer of the applicant has at least twenty (20) members resident in South Australia and in all cases recording the names and addresses of all officers and committee members of the applicant all of whom shall be or shall in writing undertake to become members of the Association;
 - (v) a typewritten copy of the minutes of the applicants last Annual General Meeting duly certified by an authorised officer as being a true copy thereof;
 - (vi) a statement recording the names and addresses of at least ten (10) members of the applicant who are then current members of the Association;

- (vii) the prescribed application fee
 - (viii) an undertaking that in case of any change of office holder or committee member within the applicant, then the applicant will cause notice thereof to be filed with the Executive Officer of the Association and will require any newly elected officer or committee member to the applicant to become a financial member of the Association within twenty one (21) days of such election to office;
 - (ix) in the case of an Agricultural Society only sub clause (vi) of the above sub clauses shall have application;
 - (x) in the case of a partnership sub-clauses (iv) and (v) hereof shall not apply but any partnership making application for Affiliate Membership shall present therewith such further or other documentation or information as the Executive Officer may on the direction of the Council from time to time require for the better consideration of the applicants application;
 - (xi) such other documents as may be required by the Council from time to time.
 - (xii) Where the applicant is a registered business it is to provide to the Executive Officer a current certificate of Public Liability Insurance to an amount as specified from time to time, to the Executive Officer each year when renewing its affiliation or as demanded by the Executive Officer.

03/19
 - (xiii) Where the applicant is a registered business all directors or equivalent of the Business are to be full members of the Association.

03/19
 - (xiv) In the case of a registered business sub clauses (iv), (v), (vi), (ix) and (x) shall Not apply. **03/19**
- (b) Every application for Affiliate membership shall be considered by the Council and if any application shall be granted then the Executive Officer shall as soon as practicable thereafter communicate the fact thereof to the applicant who shall within fourteen (14) days thereof make payment of the prescribed membership fee and shall thereupon be an Affiliate member of the Association.
- (c) Every Affiliate shall renew its membership annually and pay the prescribed annual fee for Affiliates at a time prescribed by the Council from time to time.
- (d) No Affiliate shall conduct its own affairs and no Affiliate or office bearer or committee member of an Affiliate shall suffer the affairs of an Affiliate to be conducted in any manner which is contrary to the objects of the Association nor do or suffer to be done any act which reflects adversely upon the standing of the Association, the Affiliate or other members or Affiliate Members.
- (e) Every Affiliate, Office Bearer and Committee Member of an Affiliate shall:
- (i) comply with every order or direction of the Council made or given pursuant to the Constitution or the Rules and shall provide to the satisfaction of the Council proof of such compliance; and
 - (ii) upon being required at any time by Council to do so shall promptly furnish to the Association as the Council may request any information, explanation or documentation (including accounts) in relation to its management, conduct, operation, financial affairs, election of officers, meetings of members, meetings of officers, disciplinary proceedings or any aspect or incident thereof.

- (f) Any Affiliate member may be exempted by the Council from any of the foregoing provisions relating to Affiliate members.

9. **MEMBERS BOUND BY CONSTITUTION**

Every member shall be bound by this Constitution and all Rules promulgated hereunder and in the case of members of a specified class including Affiliate members to the provisions or to any Rule expressly or by implication directed at members of that class and where any member or members of any class including Affiliate members shall commit any breach of the provisions hereof or of the Rules, then such member shall be subject to the disciplinary provisions herein contained.

10. **THE COUNCIL**

- (a) The management of the business and affairs and property of the Association shall subject to these rules be under the control of the Council.
- (b) The Council shall consist of such members of the Association elected by members of the Association exercising their respective voting rights to the following offices of the Association:
 - (i) The President
 - (ii) The Vice President
 - (iii) Nine Council Officers
- (c) Any person who was at the time of the coming into force of this Constitution an Officer (in any capacity or by any title whatsoever) of the Association, shall by virtue of this sub-rule be deemed to have been duly elected or appointed hereunder and shall continue to hold office as an Officer of the Association hereunder until the date of holding of the first election pursuant to this Constitution.
- (d) All Officers of the Council shall hold office for three years (in accordance with the rotating system herein provided) or such other term as is prescribed by the provisions hereof and shall be eligible for re-election to such office or any other office of the Council. **02/99**
- (e) Members of the Council:
 - (i) shall observe and comply with the Code of Conduct for members of Council prescribed by Council from time to time;
 - (ii) shall not disclose any information relating to the proceedings of a meeting of Council or any part thereof or any matter discussed or issue considered which the President has directed be classified as confidential.

11. **ELECTIONS, ELIGIBILITY, VOTING**

- (1) There shall be elections held twice every three years with an election for the office of President and five Council Officers held in each year which is wholly divisible by three and for the office of Vice President and four Council Officers in the year immediately preceding. **02/99**
- (2) For the purposes of conducting the elections the Council shall appoint a Returning Officer who has no interest in the outcome of the election.
- (3)
 - (a) The Council shall maintain an electoral roll which shall be the roll of persons eligible to be nominated as candidates, to nominate candidates and to vote in the election.
 - (b) The roll shall contain the names of all financial adult members of the Association and shall close on the 31st December in each year.
 - (c) Immediately following the close of the roll, the Executive Officer shall certify its correctness and forward such certified copy to the Returning Officer.
- (4) The Executive Officer shall arrange for an election notice to be published in the South Australian Canine Association Journal, calling for nominations and setting out the

timetable for the conduct of the election.

- (5) Nominations must be in writing on the prescribed form, available from the office of the Returning Officer and South Australian Canine Association.
- (6) Each nominating form:
 - (a) must be signed by two persons eligible to vote in the election;
 - (b) must contain a declaration, signed by the candidate, that he/she accepts nomination and is eligible to stand as a candidate;
 - (c) must contain a declaration, signed by the candidate, that he/she has been a member of the Association for a period of not less than four years prior to the date set for the close of nominations.
- (7) Any person who is a financial member of the Association at the time of nomination may nominate for election to one or more Offices on the Council but;
 - (a) shall not be eligible to be elected to any office unless he/she is also, at the time of election, a financial member of the Association; and
 - (b) if he/she is so eligible and upon being elected to any Office, then nomination for any other Office shall thereby lapse and any votes cast in relation to any other office shall be declared informal and of no effect.
 - (c) Shall not be eligible to be elected to any office if he/she has been found guilty by a disciplinary panel of a breach of the Constitution or Rules which results in a suspension of their membership of the Association, notwithstanding that suspension may be set aside, within the four years prior to the date set for the close of nominations.
- (8) Nominations must be delivered to or forwarded by post or email so as to reach the Returning Officer by the close of nominations. Nominations shall close at 4.00 pm on the last Friday in October. **03/19**
- (9) Nominations received by the Returning Officer after the date and time set for the close of nominations shall be invalid.
- (10) Nominations may not be withdrawn after the date and time set for the close of nominations unless in the opinion of the Returning Officer such withdrawal would not be to the detriment of other candidates.
- (11) The Returning Officer shall forward the names of candidates and nominators to the Associations Executive Officer to establish whether the members are financial or unfinancial. On receipt of this information the Returning Officer may either accept or reject the nomination. In either case the Returning Officer shall advise the candidate of the outcome of his/her nomination.
- (12) Candidates may provide a profile in support of their nomination of 1/4 page illustrated with a photograph. Profiles are to be published in the South Australian Canine Association Journal at no cost to the candidate and must be forwarded to the Association by the second Monday in November.
- (13) If the number of nominations received for an Office equals the number of vacant positions or is less than the number of vacant positions, the Returning Officer shall declare the nominated candidate duly elected.
- (14) Elections shall be held during the period commencing on the first Friday in the month of January in each year and continuing up until 10.00 am on the first Wednesday in February provided that always in the case of the first such Friday falling on the first day of January in any year then such election period shall commence on the first Monday in the month of January.

- (15) If the number of valid nominations received is greater than the number of positions vacant, the Returning Officer shall make the necessary arrangements for a ballot paper and return envelope to be printed and sent to all persons whose names appear on the roll.
- (16) Ballot papers and envelopes shall be distributed to members in January. If the Returning Officer supplies ballot papers and envelopes to the printer for distribution to the members, it shall be presumed that he/she fulfilled his/her obligations under this sub-rule. **03/21**
- (17) The order in which candidate names appear on the ballot paper shall be determined by lot, drawn by the Returning Officer in the presence of another person and/or any candidates who choose to be present.
- (18) The ballot paper shall have printed on it, instructions on how the paper shall be marked to exercise a valid vote, the number of vacancies to be filled, the names of the candidates and a box beside each name in which the vote is to be recorded.
- (19) The method of voting shall be cross voting. In order to record a valid vote, an elector shall place a cross in the square opposite the name/s of the candidate/s of his/her choice.
- (20) Every member entitled to vote shall be entitled to cast votes as follows:
- (a) One vote for the office of President
 - (b) One vote for the office of Vice President; and
 - (c) The number of votes for Council as is equal to the number of Council Offices or such lesser number of votes in relation thereto as the voter may wish to cast.
- (21) The marked ballot paper shall then be placed in the envelope provided, sealed and sent by post so as to reach the Returning Officer on or before the date and time set for the close of the poll. The address of the Returning Officer shall be displayed on the front of the envelope and on the back, the electors name, address, and signature. **02/00**
- (22) An envelope shall be rejected if it does not contain the signature of the voter. **02/00**
- (23) For the purpose of the scrutiny and count each candidate may appoint in writing a person to represent him/her during proceedings. Such persons may not be a candidate in the same election.
- (24) When the ballot box is opened, only those persons whose names appear on the roll and have completed the requirements of sub-rule (21) shall have the envelopes containing their ballot papers set aside for inclusion in the count. In performing that task, the Returning Officer shall not attempt to discover how individual electors have voted. In the event that more than one envelope is received from the same person, the first envelope will be admitted to the count, the other/s will be rejected.
- (25) A ballot paper is informal if:
- (a) it is not authenticated by the initials of the Returning Officer or by a mark authorised by the Returning Officer;
 - (b) it has no vote indicated on it;
 - (c) it has more than the required number of votes indicated on it;
 - (d) it has upon it any mark or writing by which the voter can be identified.

- (26) A Ballot paper shall not be informal for any other reasons than the reasons specified but shall be given effect to according to the voters intention so far as that intention is clear. On any question regarding the validity or formality of a vote, the Returning Officers decision shall be final.
- (27) Office bearers of the Association shall, as required, be elected in the following order:
- (a) President
 - (b) Vice President
 - (c) Ordinary members of Council
- (28) The Returning Officer shall count the votes of each candidate. The candidate/s receiving the greatest number of votes shall be elected according to the number to be elected. Should a candidate standing for more than one position be elected to an office, any votes cast to him/her in relation to any other office shall be declared informal and of no effect.
- (29) If at the conclusion of the count;
- (a) there is an equality of votes for candidates in the election of President, the Vice President of the Association (upon election) shall have a second or casting vote;
 - (b) there is an equality of votes for candidates in the election of Vice President, the President of the Association (upon election) shall have a second or casting vote;
 - (c) there is an equality of votes for candidates in both the elections of President and Vice President, the pro-tem Chairman elected by members present at the Annual General Meeting shall have a second or casting vote in relation to the election of a candidate to the office of President;
 - (d) there is an equality of votes for candidates for election of the last available Council office then the person having the longer membership of the Association shall be declared as elected.
- (30) The Returning Officer shall report, as soon as practicable, the result of the ballot/s to the Executive Officer of the Association and to the candidates.

12. **VACANCY IN COUNCIL**

- (a) Subject to the following sub-rule (b) where for any reason there is at any time a vacancy of any office of President or Vice-President an election shall be held to fill that vacancy as soon as practicable after the creation of such vacancy and the person elected shall hold office for the whole of the unexpired portion of his predecessors term of office. **02/00**
- (b) Where for any reason there is at any time a vacancy of any office of the Council and the unexpired portion of the vacating officers term is less than nine months the vacancy shall not be filled until the expiration of the vacating officers term. **02/00**
- (c) Any member of Council, whose term is not expiring, wishing to stand for another position on Council must tender their resignation of their current position prior to the nominated cut-off date to enable their position and the position they aspire to, to be voted on at the same election. The effective date of the resignation will be a firm date which precedes the next Annual General Meeting, once tendered the resignation cannot be withdrawn. Failing to resign prior to the cut-off date renders the Councillor ineligible to stand for that vacancy. The cut-off date will be determined by the Executive Officer. **03/21**
- (d) If, due to a catastrophic event;
 - (i) vacancies in Council fall below the required numbers to form a quorum, the President, Vice-President or, in their absence, the longest serving remaining Councillor shall take the role of President and ensure that immediate action is taken to call an election to fill the vacant positions and;
 - (ii) to enable the business of the Association to continue until the vacancies have

been filled through formal election procedures, the President, Vice-President or, in their absence, the remaining Councillors shall appoint sufficient, appropriately skilled people from the membership to fill the vacant positions. **02/03 – 03/11**

- (e) Any office bearer or ordinary member of the Council who has been found guilty by a disciplinary panel of a breach of the Constitution or Rules which results in a suspension of their membership of the Association, notwithstanding that suspension may be set aside, shall forthwith stand down from office.
- (f) Any office bearer or ordinary member of the Council who, as a Plaintiff or Co-plaintiff, institutes any legal action against the SACA, (except a legal action in respect of any personal injury sustained as a voluntary worker or as a member of the public whilst on SACA premises or on any other premises used or occupied by the SACA in respect of which the SACA is indemnified under its insurance policies), shall forthwith stand down from office pending judgement, settlement or withdrawal of the action.

13. **POWERS OF THE ASSOCIATION**

The Association shall have all the powers conferred by Section 25 of the Act.

Without derogating from the generality of the power of the Council to manage the business affairs and property of the Association and without in any way limiting the powers of the Council hereinbefore expressed, the Council shall have all and several of the following powers:

- (a) To employ a person or persons (not being members of the Council) in the capacity of:
 - (i) Executive Officer of the Association;
 - (ii) Assistant Executive Officer; and
 - (iii) such other capacity as the Council may from time to time consider necessary or appropriate upon terms and conditions as the Council considers appropriate.
- (b) To prescribe the amount of any fee which may be payable to the Association and to levy and impose any further and other fees as may from time to time be required for the better management of the affairs of the Association and to increase or decrease or otherwise make rules binding upon members in relation to all such fees.
- (c) To make contracts of every kind and nature and without limiting the extent of the Councils power in this behalf to make contracts for the buying and selling or other dealing whatsoever in any real or personal property, to borrow money in the name of and on behalf of the Association from any bank or other lender whatsoever and for such purpose to mortgage, charge or encumber any real or personal property of the Association as might be required by any condition attracting to the borrowing of any money by the Association, to invest the available monies of the Association, and to lend out to Affiliates upon such terms as may be considered proper any monies of the Association as are from time to time available for investment and to make such loans upon such terms as shall appear commercially expedient and to enter into contracts for performance of building works upon the Associations real estate, to transact every kind of banking, business and other commercial activity as may be transacted ordinarily by any other person or body.

Provided that the Council shall not sell, enter into any negotiation to sell or otherwise dispose of the property of the Association, situated at Cromwell Road, Kilburn 5084, in the State of South Australia without the consent of not less than three quarters of the members present and entitled to vote at any extraordinary or annual general meeting of the Association. **11/09**

- (d) To engage professional persons or bodies to act for and on behalf of the Association in any matter
- (e) To establish and promote schools, courses and literature in relation to dogs and to organise and promote dog exhibitions for the fulfilment of the objects of the Association.
- (f) To apply as may from time to time be thought desirable such part of the Association's funds as prizes, prize money and for the purchase of trophies at any dog exhibition whatsoever and otherwise to expend monies without direct return to the Association in inducement and benefits for members in relation to the breeding, caring, upbringing, exhibiting and buying and selling of dogs.
- (g) To make application on behalf of the Association for the grant of a licence pursuant to

the Liquor Licensing Act 1985 or for any other licence as may from time to time be thought of benefit to the Association or its members.

- (h) To do all such things as are conducive or thought by the Council to be conducive to the attainment of the objects of the Association.
- (i) To publish or cause to be published an Association Journal for the benefit of members.
- (j) To fix the remuneration fee or other benefit to be paid to any person employed, engaged or appointed by the Council pursuant to these powers.
- (k) To do all such things directly or indirectly incidental or consequential to or connected with all and several of the powers of Council herein before contained and this grant of incidental power to Council shall be construed upon the broadest plain style.
- (l) The Association shall have the power to borrow or raise money and secure the payment thereof in such manner as the Association shall think fit and in particular by the creation of issues of debentures charged upon all or any of the Association's property real or personal, present or future.
- (m) To take such steps as are necessary (including by amending the Rules of the

Association and any of its Regulations or Code of Ethics) to ensure that members comply with all relevant legislation relating to the keeping and welfare of dogs including:

- (i) to vary and amend DOGS SA Rules, Regulations and Code of Ethics to comply with any State or Commonwealth Legislation including any laws relating to the welfare of animals and the keeping and maintenance of dogs;
- (ii) to appoint suitable and appropriate person/s as inspectors to inspect the property those of members to ensure the keeping and welfare of the dogs housed at those premises are being maintained in accordance with the DOGS SA Regulations and Code of Ethics and relevant State or Commonwealth Legislation;
- (iii) To require members to consent to the appointment of an inspector for the sole purpose of ensuring that any member who keeps dogs does so in a way which is consistent with DOGS SA Rules, Regulations and Code of Ethics and relevant State or Commonwealth Legislation;
- (iv) To confer on the Association the power to enforce compliance with DOGS SA Rules, Regulations and Code of Ethics relating to the keeping and welfare of animals, including by imposing a requirement for members whose property has been selected for inspection to consent to and abide by the directions given by

The person appointed under these powers. **03/18**

14. MEETINGS OF COUNCIL

- (a) In any period of one year commencing from the date of publication of Council election results there shall be not less than eight (8) meetings of the Council and each such meeting shall be held not later than two months from the date of the preceding meeting. The first meeting of the Council subsequent to elections shall be held on such date as the President may direct being not later than one month from the date of publication as aforesaid.
- (b) All questions and matters arising at a meeting of Council (other than questions of order and procedure) shall be decided by the majority of the votes of Councillors present either physically or remotely (via technology) and entitled to vote at such meetings. Votes shall ordinarily be by show of hands. Where a majority of Councillors request a secret ballot to be undertaken in respect of any matter to be put to the meeting the Chairman shall direct the Executive Officer to conduct such secret ballots. **09/21**
- (c) The Executive Officer shall attend all meetings of Council but shall not be entitled to vote in respect of motions raised at such meetings. The Executive Officer shall cause proper minutes of such meetings to be kept and shall make available for inspection by any Member or Affiliate the content of such minutes provided that the Executive Officer shall not disclose any information relating to the proceedings of a meeting of Council or any part thereof or any matter discussed or issue considered which the President

- has directed be classified as confidential.
- (d) Six members of whatsoever title shall form a quorum of the Council.
 - (e) The President or in his absence the Vice President or in the absence of them both that Council Officer of the Association having the longest membership of the Association shall preside over all meetings of the Council and in the event of any deadlock of votes shall exercise a casting vote in addition to his vote as a member of the Council.
 - (f) Any member of the Council of whatsoever title who in any period of one year from the date of his election and from year to year during his tenure as a Council member, who is absent from three consecutive meetings of the Council without any apology being tendered and duly accepted shall be deemed to have resigned as an officer of the Council and a certificate signed by the President that such member has resigned by virtue of this provision and that the former office held by him is a vacant office shall be conclusive proof of such matters and shall not thereafter be the subject of an enquiry.
 - (g) Any member of Council must attend in person a minimum of 8 ordinary meetings of Council in any period of one year from the date of his election and from year to year during his/her tenure as a Council member unless factors outside the influence of Council limit physical meeting attendance. **09/21**
 - (h) At the conclusion of each Council meeting the Council shall appoint the date for the holding of the next Council meeting providing always that the President or in his absence the Vice President or 3 members of Council may in respect of any matter deemed to be urgent direct the Council to consider the matter either in person or by electronic process where sufficient rationale, evidence of urgency and relevant information is provided. **09/21**
 - (i) No person other than members of the Council, the Executive Officer or any person expressly invited or directed to attend or given permission to attend any meeting of the Council shall be entitled to be present at Council meetings.

15. THE EXECUTIVE OFFICER

- (a) The Council shall employ a person to be the Executive Officer of the Association. No person who is a member of the Council shall be eligible to be appointed the Executive Officer of the Association. The Executive Officer shall be entitled to be a member of the Association.
- (b) The Executive Officer shall carry out all the functions and duties and comply with all obligations imposed upon the Executive Officer by this Constitution and the Rules.
- (c) The Council may appoint a person to be the Assistant Executive Officer to act in the role of Executive Officer during any absence of the Executive Officer or at any other convenient time or in conjunction with the Executive Officer and in any case where the Assistant Executive Officer is acting in substitution for the Executive Officer then the former shall have all the powers, responsibilities and duties of the latter.
- (d) The Executive Officer shall:
 - (i) keep and maintain a register of members and affiliates
 - (ii) keep and maintain the Association's accounts
 - (iii) keep open and maintain the Association's office
 - (iv) maintain the register and any other documents or records of the Association and generally (either personally or by delegation) deal with all members and other persons and bodies and in day to day business with the Association;
 - (v) carry out the directions of the Council.

16. THE COMMON SEAL

The common seal of the Association shall be kept in the custody of the Executive Officer and shall be affixed to any document required by law to be executed by the Association under its common seal only upon the resolution of the Council and in such case shall be counter signed by three persons, two of whom shall come from the group of the President, the Vice President and the Executive Officer and the third of whom shall be one of the other members of Council. The said common seal may further be employed in relation to the Association's internal documents or in documents between members of the Association and in such case may be

affixed without need for formal resolution but nevertheless in such cases the same shall be affixed in accordance with a general direction of the Council.

17. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of the Association shall be held as soon as reasonably possible after the Declaration of Election results and not later than three months after the end of each Financial year at a place considered by the Council to be a suitable venue. Notice of the holding of the Annual General Meeting shall be given by the Executive Officer in at least one edition of the Journal of the Association and otherwise as directed by Council. **02/01**
- (b) The President or in his absence the Vice President or in the absence of them both a member of the Association elected by a majority of the members present shall be the Chairperson at the Annual General Meeting and the Executive Officer shall cause minutes thereof to be kept.
- (c) The Executive Officer shall submit to the Annual General Meeting the accounts of the Association made up to the 31st day of December in the preceding year.
- (d) Any matter proposed to be submitted for consideration and vote at an Annual General Meeting shall be submitted in writing to the Executive Officer not later than the 1st day of November prior to the date affixed for the Annual General Meeting. The proposer of such matters shall be entitled at the Annual General Meeting to put the motion and to be heard thereon. **02/00**
- (e) The Chairperson shall at the Annual General Meeting:
 - (i) lay before the meeting all matters contained in an agenda, admit all matters and petitions properly brought before the meeting
 - (ii) report to the meeting upon such past, present and proposed activities of the Association and of Council as may properly be of concern and interest to members of the Association
 - (iii) report on any matters specifically directed by Council to be laid before the Annual General Meeting.
- (f) Forty (40) members shall form a quorum at an Annual General Meeting.
- (g) The Chairperson may adjourn the Annual General Meeting from time to time and from place to place for not more than 14 days from the date scheduled for the Annual General Meeting.

17A. EXTRAORDINARY GENERAL MEETING

- (a) An Extraordinary Meeting of the Association shall be convened within 45 days of the Executive Officer being served with a petition praying for the calling of such a meeting provided however that no such petition shall be served in the months of November to February both inclusive. A petition shall not be effective for the purpose hereof unless signed by 150 members, who shall also have legibly printed their respective names, addresses and membership numbers adjacent to their respective signatures within such petition.
- (b) The President or in his absence the Vice President or in the absence of them both a member of the Association elected by a majority of the members present shall be the Chairperson at the Extraordinary General Meeting and the Executive officer shall cause minutes thereof to be kept.
- (c) Council by virtue of the resolution of a majority of members thereof shall have the power to call an Extraordinary General Meeting at any time.
- (d) The President on his own account shall have the power to call an Extraordinary General Meeting at any time.
- (e) Forty (40) members shall form a quorum at an Extraordinary Meeting.
- (f) The Chairperson may adjourn the Extraordinary General Meeting from time to time and from place to place for not more than 14 days from the date scheduled for the Extraordinary General Meeting.
- (g) In the event that an Extraordinary General Meeting is called pursuant to Clause 17A(a), (c) or (d), a minimum of 14 days notice shall be given to the members.

18. **VOTING OF MEMBERS AT MEETINGS**

- (a) All questions and matters arising at any general meeting of the Association (other than questions of order and procedure) shall be decided by the majority of the votes of members present and entitled to vote at such meetings. Votes shall ordinarily be by show of hands but if in any instance a vote by show of hands appears to the President or any member to be unsatisfactory or ambiguous then the President or such member shall be entitled to request a division. Where a majority of members request a secret ballot to be undertaken in respect of any matter to be put to the meeting the Chairman shall direct the Executive Officer to conduct such secret ballots.
- (b) Any member who has not paid his membership fee on or before the 31st day of January preceding the holding of the Annual General Meeting or at least seven days prior to the holding of any Extraordinary General meeting shall not be entitled to vote at such meeting.
- (c) A Life Member shall be entitled to vote on the same basis as if he had duly paid his membership fee entitling him to vote.
- (d) A member of a class of members in respect of which there is a restriction or prohibition of voting shall not vote on a basis inconsistent with the rules affecting the class.
- (e) Vote counting at any meeting shall be under the supervision of the President who may appoint scrutineers from the body of the meeting to assist in connection therewith.

19. **DISCIPLINARY MATTERS**

- (1)
 - (a) Any allegation of a breach of the Constitution or Rules shall be made in writing to the Executive Officer and be accompanied, except where the reporting of the incident is a requirement of the Constitution and Rules, by the prescribed fee. **02/02**
 - (b) The Executive Officer may upon receipt of an allegation pursuant to sub clause (1) (a) in respect of an aggressive dog suspend the registration of the dog pending inquiry by the Investigative Committee.
- (2)
 - (a) All Members and Affiliate Members shall be bound to cooperate and assist the conciliation process, the Investigative Committee, the Disciplinary Committee and the Appellate Committee with respect to any enquiry or hearing undertaken pursuant to the Constitution. Any member or Affiliate failing to cooperate or assist shall be guilty of an offence against this Constitution and the Rules. However, proper consideration must be given to an individual's rights to avoid incriminating himself. **02/03**
 - (b) Any member or Affiliate that in the opinion of the Council, the Investigative Committee maliciously, frivolously or vexatiously makes an allegation pursuant to Sub clause (1) (a) or (3A) hereof against a Member or Affiliate shall be guilty of an offence against the Constitution and the Rules. **02/03**
- (3A) The SACA Representative shall;
 - (i) on receipt of a written complaint of an aggressive dog, have the authority to temporarily suspend the dog/s involved until the Council confirms his action. **03/05**
 - (ii) a hearing shall be conducted, as soon as possible or otherwise within fourteen (14) days. **03/05**
 - (iii) in the event of the SACA Representative not being present or unable to perform his duty a suitable person or the Show/Trial Manager shall perform this function. **03/05**

Conciliation

- (3)
 - The Executive Officer shall refer every allegation made in accordance with sub-clause (1) hereof to the Investigative Committee
 - (i) Where the Investigative Committee considers that the allegation raises an

issue or matter which might be capable of and is otherwise suitable for resolution by conciliation the Investigative Committee may refer the allegation to the President, the Vice President or such other members of the Council or member as may be nominated by Council as a person who might conduct the conciliation of such allegations. **02/03**

- (ii) The person to whom an allegation is referred pursuant to sub clause (a) for conciliation shall use his best endeavours to resolve the allegation by conciliation between the parties within 30 days of the date of the referral and may for that purpose adopt such process or procedure as he considers most conducive to conciliation. **02/03**
- (iii) Where the Investigative Committee does not consider conciliation to be appropriate or the allegation is not resolved by conciliation within thirty days of reference pursuant to sub clause (b) the Investigative Committee shall proceed with an investigation of the allegation in the manner herein after provided; **02/03**
- (iv) Where an allegation is resolved by conciliation pursuant to sub clause (b) the conciliator shall notify the Investigative Committee in writing forthwith of the fact and shall submit a report in writing to the Council within 14 days thereafter detailing the terms upon which the allegation was so resolved. **02/03**

Investigative Committee

(4) There shall be an Investigative Committee of the Association comprising of no more than two Council members nominated by the President and four appropriately skilled ordinary members of the Association who have accepted in writing the Council's invitation to be members of this Committee. **02/01**

(5) The Investigative Committee may in relation to any matter act as a body or through the agency of one or not more than three of its members as nominated or directed by the President of the Association and such person or persons acting as agents shall have and be entitled to exercise all of the powers and authority of the Investigative Committee.

(6) The Investigative Committee shall enquire into any allegation of breach of the Constitution or Rules which is referred to pursuant to sub clause (3) which is not resolved by conciliation.

(7) The Investigative Committee shall keep confidential the names of members who are subject to an enquiry by it, the name of witnesses involved in the enquiry and the circumstances of the enquiry.

(8) The Investigative Committee shall upon completing an enquiry pursuant to sub clause (6) hereof:

(a) Charge the Member or Affiliate the subject of the allegation with a breach of the Constitution or Rules, which charge shall be made in accordance with sub clause (11) hereof; or

(b) Dismiss the allegation

(9) In the event that the Investigative Committee determines to dismiss an allegation pursuant to sub clause 8 (b) hereof, it shall forward a report in writing to the Council as to its decision.

(10) Notwithstanding anything herein contained the Council may of its own volition at any time call upon any Member or Affiliate whom it has reason to suspect of having been guilty of any action or conduct which in the opinion of the Council is discreditable or

injurious to those interested in canine affairs or otherwise in contravention, evasion, or attempted evasion, direct or indirect of the letter or spirit of the Constitution or the Rules to answer a charge in respect of such action or conduct.

- (11) Any charge of a breach of the Constitution or the Rules made against any Member or Affiliate by the Investigative Committee or the Council shall:
- (a) be made in writing;
 - (b) specify the provision of the Constitution or the Rules allegedly breached;
 - (c) give general particulars of the allegations of breach;
 - (d) be signed by a member of the Investigative Committee or in the case of a charge made pursuant to sub clause (10) hereof by the President or Vice President of the Association; and
 - (e) be delivered to the Executive Officer for service upon the Member or Affiliate against whom the charge is directed
- (12) Upon receipt of a charge against a Member or Affiliate the Executive Officer shall:
- (a) post a photocopy of such charge by certified mail to the Member or Affiliate alleged to have committed the breach; and
 - (b) post contemporaneously therewith to such Member or Affiliate a notice requiring him to attend before the Disciplinary Committee on a date being at least 21 days (as the Executive Officer shall appoint) subsequent to the posting of the charge.

Disciplinary Committee

- (13) There shall be a Disciplinary Committee of the Association which shall hear and determine all charges brought against Members or Affiliate Members under and pursuant to this clause 19.
- (14)
- (a) All members of the Council (other than Council members who are members of the Investigative Committee) shall be members of the Disciplinary Committee but any three members of the Disciplinary Committee may be appointed by the President or in the absence of the President, by the Vice President and in the absence of the President and the Vice President, by a member of the Council to hear and determine any particular matter coming before the Disciplinary Committee.
 - (b) In any case where for whatsoever reason the President sees fit in his discretion to do so, he may nominate one or more persons who are not members of the Council or who are not members of the Association who possess the necessary expertise to assist in the determination of a certain matter to be a member of the Disciplinary Committee.
- (15) In hearing or determining a charge brought against a Member or Affiliate the Disciplinary Committee shall act without undue formality and in accordance with the principles of natural justice and may:
- (a) request the presence of the Association's Solicitor to advise upon such matters of law, or evidence or procedure as shall arise during the course of any hearing;
 - (b) of its own volition call any expert witness to assist in any matters which arise in the course of the hearing;
 - (c) inform itself on any question that arises in the course of the hearing in such manner as it thinks fit including by way of evidence given by affidavit, statutory declaration or viva voce; or
 - (d) adjourn the hearing from time to time and from place to place.
- (16) Council where it considers it appropriate may appoint a person to present evidence in support of the alleged offence, call and examine any witnesses, cross examine any witness for the member charged and present any argument thereon.
- (17) No person or Affiliate answering a charge may be represented at the disciplinary

hearing by a legal practitioner but may be represented by any other person and a person or Affiliate answering a charge may request the presence of a legal practitioner to advise upon such matters of law, evidence or procedure as shall arise during the course of any hearing in an advisory capacity only.

- (18) Should any person or Affiliate fail to appear in answer to a charge, the Disciplinary Committee may proceed to enquire into and deal with the charge notwithstanding such failure to appear.
- (19) At the conclusion of any such hearing (or any adjourned hearing) the Disciplinary Committee shall either dismiss the charge against the Member or Affiliate so charged or shall determine that the Member or Affiliate is guilty of the offence with which he has been charged and shall then consider the question of imposition of penalty. The Disciplinary Committee may notify the member charged at the conclusion of the hearing of the outcome thereof but shall not impose any penalty until after the Disciplinary Committee has reported in writing to the Council the penalty proposed to be imposed and the Council has approved such penalty. In the event of the Council not approving the penalty proposed by the Disciplinary Committee the Council shall refer the matter back to the Disciplinary Committee for further consideration setting out the reasons why the matter of penalty is to be further considered.
- (20) The Disciplinary Committee may impose all or any of the following penalties upon any Member (including an Affiliate Member) adjudged guilty of a breach of the Constitution or the Rules as aforesaid:
- (a) That the Member or Affiliate be suspended, disqualified or barred for such period as the Disciplinary Committee thinks fit from judging, or participating in or attending or having any connection with any exhibition or activity of the Association or any Affiliate;
 - (b) That membership of the Member or Affiliate be terminated or suspended for such period as the Disciplinary Committee thinks fit;
 - (c) That any dog or dogs owned or leased by or registered in the name of any member referred to in sub clause (20(a)) hereof or any dog in which such member has an interest as an owner or lessee be suspended, disqualified or barred from participating in any exhibition or activity of the Association or any Affiliate.
 - (d) That the registration of any dog or dogs owned or leased by any member referred to in sub clause (20(a)) hereof or of any dog in which such person has any interest as an owner or lessee be cancelled or suspended for such time as the Disciplinary Committee determines;
 - (e) That any litter bred from any dog or bitch owned or leased by any member referred to in sub clause (20(a)) hereof not be registered or be registered subject to such conditions as to participation of the dogs comprising such litter in the exhibitions and activities of the Association or any Affiliate as the Disciplinary Committee thinks fit;
 - (f) That the Member or Affiliate be fined a sum not exceeding the amount prescribed in the Constitution or Rules for such breach and in the absence of an amount being prescribed a sum not exceeding ten times the annual ordinary membership fee of the Association for the time being; or **03/19**
 - (g) That the Member or Affiliate forfeit any trophy or prize money which was received at the exhibition or activity of the Association at which the breach of the Constitution or the rules occurred or which was otherwise awarded or received as a consequence of a breach of the Constitution or the Rules;
 - (h) That the Member or Affiliate be censured.
- (21) When deciding upon the penalty to be imposed upon a Member or Affiliate Member pursuant to the sub clause (20) hereof the Disciplinary Committee may take into

account all previous penalties imposed upon the Member or Affiliate Member for breaches of this Constitution or the Rules.

- (22) Where the Disciplinary Committee has adjudged a Member or Affiliate guilty of a breach of the Constitution or the rules as aforesaid the Disciplinary Committee;
- (a) May order that the guilty Member or Affiliate pay the costs and expenses of the Association of and in connection with the hearing including the costs and expenses of any solicitor or expert engaged by the Association pursuant to sub clause (15);
 - (b) Shall report in writing to the Council as to its decision; and
 - (c) Notify the Member or Affiliate in writing within 14 days of the next Council Meeting held after the date of the hearing that he has been adjudged guilty of a breach of the Constitution or the Rules as charged and the penalty if any imposed upon the Member or Affiliate.
- (23) The Disciplinary Committee shall keep confidential the names of members who are subject to the disciplinary hearing before it, the names of witnesses involved in the hearing and the circumstances of the hearing.
- (24) Where a Member or Affiliate is adjudged guilty of a breach of the Constitution or the Rules by the Disciplinary Committee, the Council may notify such members and Affiliates as it considers appropriate of the decision of the Disciplinary Committee and the penalty imposed.
- (25) Any fine or order for the payment of costs as aforesaid shall be paid within such time as the Disciplinary Committee shall fix or in default of the fixing of any time then within two calendar months from the date of the imposition or order.
- (26) Any Member or Affiliate adjudged guilty of a breach of the Constitution on the Rules as aforesaid shall have a right of appeal to the Appellate Committee of the Association.
- (27) Any appeal made from a decision of the Disciplinary Committee shall not operate as a stay.

Appellate Committee

- (28) (a) All members of Council shall be members of the Appellate Committee provided that;
- (i) no Council member who has acted as a member of the Investigative Committee, the Disciplinary Committee in relation to a matter that is the subject of an appeal before the Appellate Committee shall sit as a member of the Appellate Committee and;
 - (ii) the powers and functions of the Appellate Committee shall in all instances be discharged by three members thereof nominated for the purpose by the President, or in the absence of the President, the Vice President, or in the absence of both of these people, a member of the Council;
 - (iii) each of these people may nominate themselves.
- 02/03**
- (b) In any case where for whatsoever reason it is not possible for the President or the absence of the President the Vice President or in the absence of the President and the Vice President by a member of the Council to nominate three members of the Council to act for the purposes of this clause then the President or Vice President shall include in such nomination one or more other members of the Association who he shall in his discretion think fit;
- (c) The Appellate Committee shall conduct appeals in such manner as it shall think it and proper from time to time and may hear fresh evidence either in relation to evidence given and received at the original hearing or by way of new

evidence and shall comply with and may exercise as its powers the effective provisions of sub clauses (15) to (24) hereof inclusive.

- (d) An appeal to the Appellate Committee shall be commenced within fourteen (14) days of date of notification to the member of the decision appealed against which for the purposes of this provision shall be deemed to have occurred 3 clear business days after despatch of the notification and the intending Appellant shall lodge with the Executive Officer notice of appeal and grounds of appeal and shall pay to the Executive Officer such sum as is from time to time specified by the Council as the appeal fee; and
 - (e) Upon receipt of the notice of appeal, grounds of appeal and appeal fee, the President shall appoint as the appeal hearing date a day at least fourteen (14) days but not more than forty (40) days subsequent to the commencement of the appeal and shall post a notice of such appeal hearing date to the appellant.
- (29) Any member aggrieved by the decision of any Affiliate member may appeal against such decision to the Appellate Committee provided always that such right of appeal shall lie only in the following circumstances:
- (a) That the decision arrived at by the Affiliate was arrived at in consequence of a denial to the appellant of natural justice;
 - (b) That whether or not there was a denial of natural justice as aforesaid, the appellant was adjudged guilty and a penalty of not less than six months suspension of membership or termination of membership or a fine exceeding the prescribed sum was imposed; or
 - (c) That in the opinion of the Appellate Committee there is some special circumstance attaching to the matter the subject of the proposed appeal and the Appellate Committee in its absolute discretion determines to grant leave to bring the appeal notwithstanding that neither of the circumstances mentioned in paragraphs (a) and (b) of this sub clause (29) apply to the proposed appeal.
- (30) The appellant shall upon filing a notice of appeal pursuant to sub clause (29) include in such notice the grounds of appeal and shall pay to the Executive Officer such sum as is from time to time specified by the Council as being the sum to be paid by way of an appeal fee in such cases.
- (31) The provisions of paragraphs (28) (a), (b) and (c) shall apply to the constitution of and conduct by the Appellate Committee of an appeal brought pursuant to sub clause (29).
- (32) Upon hearing and determining an appeal brought pursuant to sub clauses (28) or (29) the Appellate Committee may:
- (a) Reverse, set aside, vary or substitute its own decision in the place of the decision of the Disciplinary Committee or Affiliate appealed against;
 - (b) Refer the matter back to the Disciplinary Committee for further hearing on such terms and subject to such conditions as the Appellate Committee thinks fit;
 - (c) Order that any penalty imposed be set aside, decreased or increased;
 - (d) Order that the whole or any part of the appeal fee be forfeited or refunded;
 - (e) Order that either party to the appeal pay the costs of the other party including the costs of any witnesses; and
 - (f) Make such further or other orders as it thinks proper.
- (33) In the event that an Affiliate fails to comply with an order made by the Appellate Committee pursuant to sub-clause (32) the Appellate Committee may exercise any of the powers and impose any of the penalties conferred on it or referred to in sub-clause (a), (b) and (f) or sub-clause (20) and clause 8(c) of the Constitution as it shall in its discretion think fit and any non-compliance by an Affiliate with any such order shall and is hereby deemed to be a breach of the Rules.

20. **OTHER COMMITTEES**

- (a) The Council shall establish such committees as it considers appropriate to deal with any aspect of the business of the Association or for the purpose of the better attainment by the Association of its objects.
- (b) Council may appoint to any committee established pursuant to Clause 20 (a) such members (whether also members of Council or not) as it considers appropriate and who are willing to accept such appointment.
- (c) All Committees established by Council pursuant to Clause 20 and the members thereof shall act as agents of the Council with such express powers, rights and obligations as Council shall from time to time confer upon them and the Council shall have the power to determine the operation of any such committee or to remove any member therefrom as it considers appropriate.

21. **ACCOUNTS**

- (a) The Executive Officer and such other person or persons as shall from time to time be authorised in writing by the Council or by the provisions of this Constitution or by virtue of such person or persons appointed to any Committee shall keep true and proper accounts of all monies received and all payments made by and on behalf of the Association and of all the assets and liabilities thereof and the Executive Officer shall have available for consideration by the Council at each and every meeting of Council full particulars mentioned in this Rule.
- (b) The Council shall appoint competent persons as auditors of the accounts of the Association and may cancel or vary such appointment from time to time.
- (c) The Council shall open and maintain such banking account or accounts in the name of the Association as the Council shall from time to time think fit, but in any event shall open and keep current a cheque account as a general bank account into which monies of the Association are to be received and deposited and upon which monies payable by the Association shall be paid.
- (d) Cheques and any other documents for the purpose of drawing upon out or from any account of the Association any monies of the Association shall be signed for on behalf of the Association by any two of five persons designed by Council as being persons who are the authorised signatories of the Association for such purpose. No variation of the list of authorised signatories shall be effected save by instrument in Writing under the common seal of the Association.
- (e) The Executive Officer shall also as soon as practicable after each financial year of the Association prepare and make up a general account of all the financial affairs of the Association and shall submit the same for audit by the auditors of the Association so that an audited copy thereof can be laid before the Annual General Meeting of the Association.

22. **RULES**

- (a) The Council shall have all the powers necessary or desirable to make Rules to enable the Council to fulfil the objects of the Constitution and maintain the highest standard of Canine affairs in South Australia. Such powers shall include but shall not be limited to the powers to make Rules in relation to each of the following matters:
 - (i) Classes of membership;
 - (ii) Affiliate Members;
 - (iii) Offences;
 - (iv) Registration, re-registration, de-registration, suspension and disqualification of dogs;
 - (v) Naming of dogs;
 - (vi) Classification of dogs;
 - (vii) Transfer and leases of dogs;
 - (viii) Export and import of dogs;
 - (ix) Exhibition and handling of dogs;
 - (x) Prizes and awards;

- (xi) The training, licensing and conduct of Judges and Stewards;
 - (xii) Fees and default fees and fees in relation to disciplinary and appellate proceedings and the method of fixing such fees;
 - (xiii) Fines and penalties;
 - (xiv) Kennel prefixes;
 - (xv) Forms and documents to be used in relation to the Associations business affairs and for any other purpose arising out of the provisions of the Constitution;
 - (xvi) Conduct and discipline of Members and Affiliates;
 - (xvii) All matters arising out of the exercise of any power or discretion of a Council conferred by the terms of this Constitution; and
 - (xviii) All matters of and incidental to any of the foregoing.
- (b) The Council shall have the power to rescind, vary, amend and substitute any rules from time to time being the rules of the Association.
 - (c) All and several rules of the Association and all variations, rescissions, amendments and substitutions thereof shall from time to time be published in the journal of the Association and shall be recorded in a handbook to be published by the Association and any member shall be entitled upon payment of the prescribed fee to a copy of such handbook.
 - (d) All rules of the Association in respect of any of the topics referred to in sub-paragraph (a) of this rule which were in force and effect as rules of the Association immediately prior to the adoption of this Constitution shall remain in full force as though the same were rules promulgated in accordance of the power aforesaid.

23. **RECOVERY OF SUBSCRIPTIONS AND FEES**

All subscriptions, fees, fines, costs or other monies payable to the Association under the provisions of the Constitution and the Rules shall be payable to the Association in the name of the Association and at the office of the Association within the time specified by the Constitution or the Rules or where no time is specified, then within two calendar months of the date upon which the same become due and the Association may by action recover any such subscriptions, fees, fines, costs or other monies due.

24. **INDEMNITY OF OFFICERS**

Every Officer of the Association and every Member of the Association acting in a capacity as duly authorised Agent of the Association shall be entitled to indemnity from the Association in respect of all losses and expenses suffered or incurred by him in the proper exercise of his functions as an Officer or Agent of the Association.

25. **ALTERATION OF CONSTITUTION**

No alteration to this Constitution shall be effected except upon a resolution passed by a majority of not less than three quarters of the total number of members of the Association who, being entitled to so, vote personally at the Annual General Meeting of the Association or at an Extraordinary Meeting of the Association convened for the purpose of such alteration and notice of which meeting specifying the intention to propose the resolution as a special resolution was given to all members of the Association at least twenty one days prior to the holding of such meeting.

26. **PROPERTY**

The income and property of the Association whencesoever derived, shall be applied solely towards the promotion of the objects of the Association, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividends, bonus or otherwise howsoever by way of profit or gain to the individual members of the Association. Provided that nothing herein shall prevent the payment, in good faith, of reasonable and proper remuneration to any officer or servant or to any member of the Association in return for any services actually rendered to the Association nor prevent the payment for out of pocket expenses, interest on money lent or reasonable and proper rent for premises demised or let by any officer or servant of the Association or member of the Association.

27. **WINDING UP THE ASSOCIATION**

The Association may be wound up in the manner provided for in the Act.

In the event of the winding up of the Association or in the event that for any reason it ceases to function, there remains after satisfaction of all debts and liabilities any property whatsoever, such property shall be distributed to another body or other bodies having similar objects and which prohibits the distribution of its income and property among its members.