



NSW CAVY CLUB INC.

CONSTITUTION

Definitions

- 1) **Special general meeting** means a general meeting of the club other than a general meeting
- 2) **The Act** means the *Associations Incorporation Act 2009*
- 3) **The Regulation** means the Associations Incorporation Regulation 2010
- 4) **Director-General** means the Director-General of the Department of Services, Technology and Administration.

1. Name. The name of the Club shall be “NSW Cavy Club”

2. Aims. The Aims of the Club shall be:

- To upgrade the status of cavies generally
- To breed good quality cavies to Australian National Cavy Council standards
- To provide information to the public concerning the nature and care of cavies
- To cooperate with any proper Organisation or body having similar objects

3. Membership

The Club shall consist of ordinary members, family or partnership members (including junior members) and Life Members

- a) Ordinary members shall be persons subscribing to all the objects of the club who have paid an annual fee.
- b) Family members shall consist of parents and children under 18 years only residing in the same household who have applied as such and paid the appropriate fee. Each adult member shall have full voting rights.
- c) Partnership members are those who share a stud prefix but reside at separate addresses.
- d) Upon joining members shall pay an annual fee as determined by the committee. Fees are due and payable annually. Any member joining within three (3) months of the end of the membership year is deemed to be financial until the end of the following membership year..
- e) Members on joining shall receive and accept the constitution of the club and the authority of the elected committee on all matters relating to business and procedure.
- f) Members may attend any meeting of the club other than committee meetings and shall possess equal rights excepting as otherwise stated in this constitution.
- g) Lapsed members are not entitled to vote on any Club business or hold any position in the Club. A lapsed member may have his or her

membership restored upon payment of the outstanding fee within six months of the due date

- h) A person ceases to be a member if the person dies, resigns membership or is expelled from the club or fails to pay the annual membership fee under clause 3(d) within three (3) months after the fee is due..

- i) Life membership may be granted to a member who has seven (7) years membership in the club and, in the opinion of the Management Committee, has given lasting and valuable service to the club. The number of Life Members at any one time will be limited to five (5). If a vacancy occurs, no more than one (1) Life Member may be created in any calendar year. Proposals for life membership should be submitted in writing to the Management Committee for investigation and if approved by them, submitted to a general meeting for ratification on a two-thirds majority of those voting.

4. Resignation of Membership

- (a) A member of the club may resign from membership of the club by first giving the secretary written notice of at least one (1) month (or such other period as the committee may determine) of the member's intention to resign and on the expiration of the period of notice, the member ceases to be a member
- (b) If the member of the club ceases to be a member under subclause (a), and in every other case where a member ceases to hold membership, the secretary must make an appropriated entry in the register of member recording the date on which the member ceased to be a member.

5. Register of Members

- (a) The Secretary of the Club shall establish and maintain register of members of the Club specifying the name and address of each person who is a member of the Club.
- (b) The register of members shall be held by the Secretary and a copy by the Public Officer and shall be available for inspection free of charge by any member of the Club at any reasonable hour.
- (c) If a member requests that any information contained in the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (d) A member must not use the information about a person obtained from the register to contact or send material to the person, other than for:
 - (i) the purposes of sending a person a newsletter, a notice in respect of a meeting or other event relating to the club or other material relating to the club
 - (ii) any other purpose necessary to comply with a requirement of the Act or the Regulation

6. Liability of Members

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the cost, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the members in respect of membership of the Club as required by rule 3(d).

7. Internal Disputes

Disputes between members (in their capacity as members) of the Club and disputes between members and the Club which have not been able to be resolved within the forums of the Club, may be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act, 1983. If a dispute is not resolved by mediation within three months of the referral to a community justice centre, the dispute is to be referred to arbitration. The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration

8. Disciplining of Members

- i. A complaint may be made to the Committee by any person that a member of the Club
 - a. has persistently refused or neglected to comply with a provision or provisions of this Constitution, or
 - b. has persistently and wilfully acted in a manner prejudicial to the interests of the Club
- ii. The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- iii. If the committee decides to deal with the complaint, the Committee:
 - a. must cause notice of the complaint to be served on the member concerned and
 - b. must give the member at least 14 days from the time the notice is served with which to make submissions to the Committee in connection with the complaint, and
 - c. must take into consideration any submissions made by the member in connection with the complaint
- iv. The committee may, by resolution, expel the member from the Club or suspend the member from membership of the Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- v. If the Committee expels or suspends a member, the Secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Committee for having taken that action and of the member's right of appeal under rule 8.
- vi. The expulsion or suspension does not take effect:

- a. until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- b. if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under rule 8(5)

9. Right of appeal of disciplined member

- i. A member may appeal to the Club in general meeting against a resolution of the Committee under rule 7, within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- ii. The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- iii. On receipt of a notice from a member under clause (i) the Secretary must notify the Committee which is to convene a general meeting of the Club to be held within 28 days after the date which the Secretary received the notice.
- iv. At a general meeting of the Club convened under clause (iii):
 - a. no business other than the question of the appeal is to be transacted and
 - b. the Committee and the member must be given the opportunity to state their respective cases orally or in writing or both, and
 - c. the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- v. If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

10. Committee

There shall be two (2) standing committees within the club.

1) The Management Committee of the Club, subject to the Act, the Regulation and this constitution and to any resolution passed by the Club in general meeting, is to control and manage the affairs of the Club. It shall consist of:

- i. President
- ii. Vice-President
- iii. Secretary
- iv. Treasurer
- v. Show Secretary
- vi. Newsletter Editor
- vii. Show Manager
- viii. Entry Secretary/Point Scorer
- ix. Publicity Officer
- x. Web Manager

- xi. Immediate Past President (for a term of one (1) year after the end of his/her term of office)

Each member of the Committee shall, subject to this constitution, hold office until the conclusion of the Annual General Meeting following the date of the member's election. Committee members are eligible for re-election. A committee member may hold up to two offices other than both the President and Vice-President offices..

2) The Judges Panel shall consist of the three (3) fully qualified and currently accredited judges of the club , this panel to be appointed by the judges themselves, The panel is responsible for the interpretation and implementation of cavy standards and the training and accreditation of judges.

11. Election of Committee Members

Nominations of candidates for elections as office-bearers of the Club shall be made in writing, signed by two financial members of the Club and accompanied by written consent of the candidate and delivered to the Secretary of the Club at least seven (7) days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.

- a) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- b) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held. The ballot is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- c) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meeting.
- d) If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies.
- e) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the club must be a member of the club.

12. Secretary

The Secretary of the Club shall, as soon as practicable after being appointed Secretary, lodge notice with the Club of his or her address.

It is the duty of the Secretary to keep record of:

- a) All appointments of persons to Club positions
- b) The names of members present at a Committee meeting or a general meeting
- c) All members of the club and their addresses
- d) The minutes of Committee and General Meetings
- e) All club correspondence

13. Treasurer

It is the duty of the Treasurer of the Club to:

1. Ensure that all money due to the Club is collected and received and that all payments authorised by the Club are made
2. Ensure that correct books and accounts are kept showing the financial affairs of the Club including full details of all receipts and expenditure connected with the activities of the Club, and
3. Present a financial statement at each meeting, including all accounts paid since the previous meeting, and a signed statement at the Annual General Meeting.

14. Casual Vacancies

In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the club to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

A casual vacancy occurs if the member:

- a) Dies, or
- b) Ceases to be a member of the Club, or
- c) Becomes insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- d) Resigns office by notice in writing given to the Secretary
- e) Is removed from the position under rule 15
- f) Becomes mentally incapacitated, or
- g) Is absent without the consent of the Committee from three consecutive meetings of the Committee, or
- h) Is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than three months
- i) Is prohibited from being a director of a company under part 2D.6 of the *Corporations Act 2001* of the Commonwealth.

15. Removal of a person from the Committee

The Club in a General Meeting may by resolution remove any person from the position the person holds before the expiration of the person's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the person so removed.

If a member of the Committee to whom a proposed resolution referred to above makes representation in writing to the Secretary or President and requests that the representation be notified to the members of the Club, the Secretary or the President may send a copy of the representation to each member of the Club or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

16. Delegation by the Committee to Sub-Committee

The Committee may, by instrument in writing, delegate to one or more sub-Committees (consisting of such member or members of the Club as the Committee thinks fit) the exercise of such of the function of the committee as

are specified in the instrument other than this power of delegation and a function which is a duty imposed on the committee by the Act or any other law

- a) A function the exercise of which has been delegated to a sub-Committee under this clause may be exercised in accordance with the terms of the delegation
- b) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function the subject thereof or as to time or circumstances as may be specified in the instrument of the delegation
- c) Notwithstanding any delegation under this clause, the Committee may continue to exercise any function designated
- d) Any act or thing done or suffered by a sub-Committee acting in the exercise of a delegation under this clause has the same force as it would if it had been done or suffered by the Committee
- e) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause
- f) A sub-Committee may meet and adjourn as it thinks proper

17 Meetings

- a) **Committee meetings** are to be held at least three (3) times in each period of 12 months at such a place and time as the Committee may determine. Additional meetings of the Committee may be convened by the President or any member of the Committee. Oral or written notice of a meeting must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting. The quorum is three (3) members of the Committee. No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned until the same place and same hour of the same day the following week. If at the adjourned meeting, a quorum is not present within half an hour of the time appointed, the meeting is to be dissolved. Committee meetings may be held at two or more venues using any technology that gives each of the committee members a reasonable opportunity to participate.
- b) **General Meetings** shall be held at least two (2) times a year inclusive of the Annual General Meeting. Prior notice in writing of at least 14 days is required for a General Meeting. A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member. The quorum for a General Meeting shall be five (5) members. When a quorum has not been achieved within 30 minutes of the advertised time, the meeting shall be abandoned.
- c) **Annual General Meeting** is, subject to the Act, to be convened on such date and at such place and time as the committee thinks fit, but within six months after the close of the club's financial year, or within such time as may be allowed by the Director-General or prescribed by the Regulation.. Written

notice of this meeting shall be given at least 14 days prior to the meeting. The quorum is seven (7). In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

- i. to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting
- ii. to receive from the Committee reports on the activities of the Club during the last preceding financial year
- iii. to elect office-bearers of the Club
- iv. to receive and consider the statement which is to be submitted to members under the Act.

d) **Special General Meetings** may be called by the Committee whenever it thinks fit or when it receives a requisition in writing of at least 5 percent of the total number of members. A requisition of members for a special meeting must state the purpose of the meeting, be signed by the members making the requisition, be lodged with the Secretary and may consist of several documents in similar form, each signed by one or more of the members making the requisition. The quorum is seven (7). If the Committee fails to call a Special General Meeting within one (1) month after the date on which a requisition is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date. Members shall be given at least 10 days notice in writing. No other business other than that specified in the notice convening a Special General Meeting is to be transacted at the meeting.

18 Presiding member

The President or in the President's absence, the Vice-president, is to preside as chairperson at each committee or general meeting of the Club. If the President and the Vice-President are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting. The President or presiding member may not vote except to cast a deciding vote.

19 Adjournment

The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place. If a general meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned meeting to each member of the Club stating place, date and time of the meeting and the nature of the business to be transacted at the meeting.

20 Making of decisions

- a) All members have the right to vote on all matters. Each adult paying separate fees shall be entitled one vote. Each joint member shall be entitled to two votes. Each person must be financial. Voting at all meetings is by a

show of hands except that a secret ballot will be conducted for the election of persons to Club positions or when directed by the presiding member of the meeting; or if requested by at least two (2) members present at the meeting. Proxy voting is permitted. Proxies must be with the Secretary no later than 24 hours before the time of the meeting.

- b) In the case of an equality of votes on a question at a meeting, the presiding member of the meeting is entitled to exercise a casting vote.
- c) A member is not entitled to vote at any general meeting of the club unless all money due and payable by the member to the club has been paid.
- d) A member is not entitled to vote at any general meeting of the club if the member is under 18 years of age.
- e) The club may hold postal ballots by post or electronic transmission to determine any issue or proposal (other than an appeal under clause 9)

21 Insurance

The Club shall effect and maintain insurance..

22 Finance

The financial year of the Club is from 1st January to 31st December or as determined by the Committee

23 Funds

- a) The funds of the Club shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolutions passed by the Club in general meeting, such other sources as the Committee determines.
- b) All money received by the Club shall be deposited as soon as practicable and without deduction to the credit of the Club's account.
- c) The Club shall, as soon as practicable after receiving any money, issue an appropriate receipt
- d) Subject to any resolution passed by the Club at a general meeting, the funds of the Club shall be used in pursuance of the objects of the Club in such manner as the Committee determines.
- e) All accounts will be paid by cheque. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer plus any one other member of the committee.
- f) Subject to any resolution passed by the Club in general meeting, the funds of the Club are to be used in pursuance of the objects of the Club in such manner as the committee determines

24 Alteration of aims and rules

The statement of aims and this constitution, may be altered, rescinded or added to only by a special resolution of the Club. Such amendments are to be in writing, signed by at least five (5) financial members, submitted to the Secretary and voted on at a special general meeting. There is to be 14 days notice. Amendments need a two thirds majority to be passed.

25 Custody and inspection of books

Except as otherwise provided by this constitution, the Secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the Club, except financial records which will be kept by the Treasurer. The record books, minutes and other documents of the Club including this constitution, shall be open to inspection, free of charge, by a member of the Club at any reasonable hour. A member of the club may obtain a copy of any of the documents on payment of a fee of not more than \$1 a page.

26 Service of notices

For the purposes of these rules, a notice may be served by or on behalf of the Club upon any member either personally, prepaying and posting to the person a letter containing the document or sending it by facsimile or some other form of electronic transmission to an address specified by the person for the giving or serving of notices. A notice is taken, unless to the contrary is proved, to have been given or served:

- a) In the case of a notice given or served personally, on the date on which it is received by the addressee
- b) In the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- c) In the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

27. Affiliations

The Club shall be an affiliate of the Cavy Council of New South Wales, or its heirs or successors.

The Club and every member of the Club shall be deemed to have agreed to be bound by the Constitution and Regulations of the Cavy Council of New South Wales, or its heirs or successors, for the time being in force, and at all times to submit to and carry out every determination, decision, requirement or direction of the Cavy Council of New South Wales so far as they apply to the Club or member.

28. Membership entitlements not transferrable

A right, privileged or obligation which a person has by reason of being a member of the Club is not capable of being transferred or transmitted to another person and terminates upon cessation of the person's membership.

29. Code of Ethics.

The Code of Ethics of the Club is set out at Attachment A to this Constitution. On joining the Club, a person shall agree to abide by this code.

30 Dissolution of the Club

The Club shall be dissolved if the membership is less than three (3) or by unanimous decision of all financial members. Any debts that the Club may have at the time are to be paid by fund raising and sale of assets before dissolution. Any remaining assets of the Club which it may own after all debts and expenses have been settled shall be given to like club/s and /or other animal welfare bodies as agreed by the members.

15th October 1978
Amended 12th July 1981
Amended 2nd February 1990
Amended ? 1993
Amended 4th March. 2012