

# AUSTRALIAN FLYBALL ASSOCIATION INCORPORATED – CONSTITUTION

## Part 1 Preliminary

### 1. Name

The name of the incorporated association is Australian Flyball Association Inc (the *association*).

### 2. Application of certain Acts

The following Acts apply to this constitution as if it was an instrument made under the Act:

- the *Electronic Transactions Act 2001 (ACT)*;
- the *Legislation Act 2001 (ACT)*.

### 3. Objects

The objects of the association are to further the sport of flyball across Australia and to promote cooperation and good sportsmanship in the sport.

### 4. Activities

The principal activities of the association are to act as the controller of flyball activities throughout Australia including to:

- administer rules for the conduct and regulation of all sanctioned flyball events;
- provide training and guidance for the sport of flyball;
- conduct and support flyball events;
- approve and sanction flyball events;
- create and maintain an up to date database of results from sanctioned race meetings;
- issue awards and titles;
- grant or withhold affiliation to bodies with similar objectives and cancel any affiliation;
- promote community awareness of responsible dog ownership;
- foster interest in the training of companion dogs and make the handling of trained dogs popular; and
- promote and undertake activities in connection with flyball events.

## 5. Powers

Without limiting the powers of the association under the Act the association's powers include:

- the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objectives of the association;
- the construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objectives or purposes of the association;
- the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the association, whether by the way of donation, subscription, or otherwise;
- the publishing of such materials as the committee or the members in general meeting may think desirable for the promotion of the objectives and the purposes of the association;
- the borrowing and raising of money either with or without security, in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at a general meeting and the repayment of money so raised or borrowed or the payment of a debt or liability of the association by giving security over all or any of the real or personal property of the association;
- subject to the provisions of the *Public Trustee and Guardian Act 1985 (ACT)*, the investment of any moneys of the association not immediately required for any of its objectives or purposes in such a manner as the committee may from time to time determine;
- the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which Division 30 of the *Income Tax Assessment Act 1957* of the Commonwealth relates;
- the establishment and support or aiding in the establishment or support, of any other entity formed for any of the basic objectives of the association;
- the affiliation of the association with other organisations whose objectives include promotion of responsible dog ownership and training;
- the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objectives of the association or any of the objectives and purposes specified in the foregoing provisions of this section.

## Part 2 Membership and Affiliation

### 6. Membership – classes

Membership of the association will consist of the following classes:

- ordinary members;
- associate members;
- volunteer members;
- life members.

Ordinary membership is open to any natural person who:

- pays the required fees;
- has complied with this constitution and any rules regulating the admission of members.

Associate membership is open to any natural person who:

- resides at the same address as an ordinary member;
- pays the required fees;
- has complied with this constitution and any rules regulating the admission of members.

Volunteer membership is open to any natural person who:

- is 18 years of age or older;
- pays the required fees;
- has complied with this constitution and any rules regulating the admission of members.

Despite anything in this constitution to the contrary, ordinary members who are less than 18 years of age, associate members and volunteer members:

- have the right to receive notices of and attend and be heard at any general meeting; but
- have no right to vote at any general meeting;
- have no right to stand, or to nominate another member, for election to the committee;
- may not be granted, and have no right to nominate another member for, life membership;
- are subject to any further restrictions and limitations on their class of membership set out in the rules.

The number of members of each class is unlimited.

The association must keep and maintain a register of members containing the information required under the Act. A member whose contact details change must promptly give notice to the secretary to update the register.

## **7. Membership – life members**

Life membership may be granted to a member who:

- has rendered outstanding or special services to the association or is otherwise deserving of life membership;
- is recommended by the committee or nominated by not less than 5 members;
- is elected to life membership by a majority of at least two thirds of members present and voting by secret ballot at an annual general meeting.

The committee may publish on the association’s website criteria for life membership and guidance for members wishing to nominate a member for life membership.

No more than 2 members may be elected to life membership at any annual general meeting.

A life member has all privileges and benefits of an ordinary member but is not required to pay membership fees which will instead be paid by the association.

## **8. Membership – application**

Applications for all classes of membership and renewal of membership must be made in the form and manner prescribed by the committee and accompanied by the prescribed fee.

If an applicant for ordinary membership or associate membership is less than 18 years old the applicant must provide any undertakings or indemnities by a parent or legal guardian as required by the committee. If the parent or legal guardian is not an ordinary member they must nominate an ordinary member to be responsible for supervision of the applicant at flyball events.

## **9. Membership - fees**

The membership fee for each class of membership is the amount prescribed by the committee from time to time.

The committee must publish a scale of fees for each class of membership on the association’s website.

Membership fees are payable annually in advance for each financial year.

For newly accepted members the membership fee for the financial year current at the time of application must be paid in full as a condition of being admitted as a member.

For existing members, the membership fee is payable before 1 July in each year.

## **10. Membership – decision**

The committee must consider each application for membership and decide whether to accept or reject the application.

As soon as practicable after deciding the application the committee must give the applicant notice of the decision.

If the committee accepts the application:

- the applicant is deemed to have agreed to be bound by this constitution and the rules and policies of the association;
- the committee must record the information required by the Act in the register of members.

If the committee rejects the application any fees paid by the applicant will be refunded.

## **11. Membership – when membership ends**

A person's membership ends if:

- the person resigns under section 12;
- the person has not paid their annual membership fee by the due date;
- the person's membership is cancelled as a result of disciplinary action taken under this constitution;
- the person dies;
- the incorporation of the association is cancelled; or
- the association is wound up.

The committee must remove information about the person from the register of members as soon as practicable after the person's membership ends.

## **12. Membership – resigning**

A member may resign their membership of the association by giving written notice to the committee.

The resignation takes effect on the day the committee receives the notice.

A person who resigns their membership:

- remains liable for any amount owing to the association when the resignation takes effect; and
- is not entitled to a refund of any amount paid to the association before the resignation takes effect.

### **13. Membership – rights and privileges not transferable**

A member's rights and privileges:

- are not transferable; and
- end when the member's membership ends.

### **14. Membership – liabilities**

The liability of a member to contribute towards the payment of debts and liabilities of the association or the costs, charges and expenses of winding up the association is limited to the amount (if any) unpaid by the member in relation to membership of the association as required by section 9.

### **15. Affiliation – qualifications**

Any club established for purposes including training dogs in flyball, hosting flyball events and entering teams in flyball events may apply for affiliation with the association.

### **16. Affiliation – applications**

Applications for affiliation and renewal of affiliation must be made in the form and manner prescribed by the committee and accompanied by the prescribed affiliation fee.

### **17. Affiliation - fees**

The affiliation fee is the amount prescribed by the committee from time to time.

The committee must publish the current affiliation fee on the association's website.

Affiliation fees are payable annually in advance for each financial year.

For newly accepted clubs the affiliation fee for the financial year current at the time of application must be paid in full as a condition of being admitted as an affiliate.

For existing affiliated clubs the affiliation fee is payable before 1 July in each year.

## **18. Affiliation – decision**

The committee must consider each application for affiliation and decide whether to accept or reject the application.

As soon as practicable after deciding the application the committee must give the applicant notice of the decision.

If the committee accepts the application the applicant is deemed to have agreed to be bound by this constitution and the rules and policies of the association.

If the committee rejects the application any fees paid by the applicant will be refunded.

## **19. Affiliation – when affiliation ends**

A club's affiliation ends if:

- the club resigns under section 20;
- the club has not paid its affiliation fee by the due date;
- the club's affiliation is cancelled by the committee as a result of the club's refusal or failure to comply with this constitution or the rules or policies of the association or the club has intentionally acted in a way that is likely to be harmful to the association;
- the club is dissolved or otherwise ceases to function;
- the incorporation of the association is cancelled; or
- the association is wound up.

The committee must remove information about the club from the association's website as soon as practicable after the club's affiliation ends.

## **20. Affiliation – resigning**

A club may resign its affiliation with the association by giving written notice to the committee.

The resignation takes effect on the day the committee receives the notice.

A club that resigns its affiliation:

- remains liable for any amount owing to the association when the resignation takes effect; and
- is not entitled to a refund of any amount paid to the association before the resignation takes effect.

## **Part 3 Dispute resolution procedure**

### **21. Application—Part 3**

This part sets out the dispute resolution procedure for dealing with disputes under the Act or this constitution or the association's rules between:

- a member and another member; or
- a member and the committee.

#### **Examples—disputes under the Act or the constitution or the association's rules**

- a dispute about when the annual membership fee is due
- a dispute about when an annual general meeting must be held
- a dispute arising out of a refusal of a request under the Act by a member to restrict access to personal information about the member recorded in the register of members
- a dispute about whether the association is acting in accordance with its objects
- a dispute about whether a member is acting in accordance with the association's objects

### **22. Meaning of *party* to a dispute—Part 3**

In this part:

***party***, to a dispute, means—

- if the dispute is between members—the members; or
- if the dispute is between a member and the committee—the member and the committee.

### **23. Resolving dispute by agreement**

The parties to a dispute must attempt to resolve the dispute by agreement between themselves.

A party to the dispute may ask the committee to help the parties resolve the dispute by agreement if—

- the committee is not a party to the dispute; and
- the parties are unable to resolve the dispute between themselves.



## 24. Starting the procedure

If the parties to a dispute do not resolve the dispute by agreement under section 23, any party to the dispute may start the dispute resolution procedure by giving written notice to the committee.

The notice must—

- include the names and contact details of the parties to the dispute; and
- give a brief summary of the matters in dispute (a **dispute summary**) including the relevant provisions of the Act and this constitution or the association’s rules (if known); and
- briefly state the steps the parties have taken to resolve the dispute.

## 25. Appointing decision-maker

As soon as practicable after receiving a notice under section 24, the committee must appoint a decision-maker to decide the outcome of the dispute.

The committee must ensure that the decision-maker—

- is unbiased; and
- does not have a conflict of interest.

The committee must give the decision-maker a copy of the notice.

## 26. Notice to parties

As soon as practicable after a decision-maker is appointed under section 25, the secretary (or, if the secretary is a party to the dispute, the president) must give written notice to each party to the dispute that the dispute resolution procedure has started.

However, if the committee is a party to the dispute, the secretary is not required to give the committee notice.

The notice must include—

- a copy of the dispute summary for the dispute; and
- the name and contact details of the decision-maker; and
- information about the dispute resolution procedure.

## 27. Opportunity to be heard

Before deciding the outcome of a dispute, the decision-maker must invite each party to make a written or oral submission (or both) about the dispute.

The invitation must state—

- if the decision-maker invites the parties to make a written submission—a period of not less than 14 days in which a party may make a written submission (the **submission period**); and
- if the decision-maker invites the parties to make oral submissions—the day and time (within the submission period) when the party may make the oral submission.

The decision-maker may also attempt to resolve the dispute with the agreement of the parties to the dispute.

## 28. Outcome

As soon as practicable after the submission period has ended, the decision-maker must—

- consider any submissions made during the submission period; and
- decide the outcome of the dispute (the **dispute decision**); and
- give the parties to the dispute a written notice that states—
  - the dispute decision; and
  - the reasons for the dispute decision; and
- if the committee is not a party to the dispute—give the committee a copy of the notice.

## 29. Ending dispute by agreement

The parties to a dispute may agree to end the dispute at any time before the decision-maker decides the outcome of the dispute.

If the parties agree to end the dispute, they must give written notice to the following people:

- if the committee is not a party to the dispute—the committee;
- if a decision-maker has been appointed for the dispute—the decision-maker.

The notice must state—

- that the parties have agreed to end the dispute; and
- the reasons for the parties ending the dispute.

## Part 4 Disciplinary Procedure

### 30. Definitions

In this part:

***disciplinary action***, against a member of the association in relation to the member's status as a member of the association, includes any of the following:

- suspending the member's entitlement to exercise some or all of the member's rights and privileges as a member for a stated period;
- suspending the member's membership for a stated period;
- cancelling the member's membership and disqualifying the member from applying for membership for a stated period.

***ground for disciplinary action***—see section 32.

### 31. Application

This part sets out the disciplinary procedure the association must use if it proposes to take disciplinary action against a member.

### 32. Grounds for disciplinary action

Each of the following is a ***ground for disciplinary action*** against a member of the Association:

- the member has refused or failed to comply with this any of the provisions of this constitution or the association's rules or policies;
- the member has intentionally acted in a way that is likely to be harmful to the association.

### 33. Proposed disciplinary action

If the committee is satisfied that a ground for disciplinary action exists in relation to a member of the association, the committee may, by resolution, propose to take disciplinary action (the ***proposed disciplinary action***) against the member in relation to the member's status as a member.

### 34. Appointing decision-maker

If the committee passes a resolution under section 33, the committee must appoint a decision-maker to decide whether to take the proposed disciplinary action.

The committee must ensure that the decision-maker—

- is unbiased; and
- does not have a conflict of interest.

The committee must give the decision-maker the following information in writing:

- the name and contact details of the member who is the subject of the proposed disciplinary action;
- the nature of the proposed disciplinary action;

- the grounds for the proposed disciplinary action.

### **35. Notice to member about proposed disciplinary action**

As soon as practicable after appointing a decision-maker under section 34, the committee must give the member written notice telling the member that the disciplinary procedure has started.

The notice must include—

- information about the proposed disciplinary action; and
- the grounds for the proposed disciplinary action; and
- the name and contact details of the decision-maker; and
- information about the disciplinary procedure.

### **36. Opportunity to be heard**

Before deciding whether to take the proposed disciplinary action, the decision-maker must invite the member to make a written or oral submission (or both) about—

- the proposed disciplinary action; and
- the grounds for the proposed disciplinary action.

The invitation must state—

- if the decision-maker invites the member to make a written submission—a period of not less than 14 days in which the member may make a written submission (the **submission period**); and
- if the decision-maker invites the member to make oral submissions—the day and time (within the submission period) on which on the member may make the oral submission.

### **37. Outcome**

As soon as practicable after the submission period has ended, the decision-maker must—

- consider any submissions made during the submission period; and
- decide whether to take the proposed disciplinary action, another disciplinary action, or no disciplinary action against the member (the **disciplinary action decision**); and
- give the member and the committee written notice stating—
  - the disciplinary action decision; and
  - the reasons for the disciplinary action decision; and
  - if the decision-maker decides to take disciplinary action— the day the disciplinary action takes effect.

If the decision-maker decides to take disciplinary action against a member, the committee must—

- if the member's membership is cancelled—remove information about the member from the register of members; or
- in any other case—record the details of the disciplinary action in the register of members.

If the decision-maker decides to suspend the member's membership for a stated period, the person is taken not to be a member of the association during the period of suspension.

### **38. Stopping**

The committee may, by resolution, decide to stop a disciplinary procedure against a member at any time before the decision-maker makes a disciplinary action decision.

If the committee decides to stop the disciplinary procedure, the committee must give written notice to—

- the member; and
- the decision-maker.

The notice must state—

- that the committee has decided to stop the disciplinary procedure for proposed disciplinary action against the member; and
- the reasons for the committee's decision to stop the disciplinary procedure.

### **39. No further action by committee**

If a decision-maker makes a disciplinary action decision in relation to a member, no further disciplinary action may be proposed or taken against the member in relation to the conduct set out in the written notice given to the member under section 35.

### **40. Setting aside decision-maker's decision**

A dispute decision or disciplinary action decision may be set aside only by special resolution of the association.

### **41. Who may appeal**

A party to a dispute may appeal the dispute decision.

A member who is the subject of a disciplinary action decision may appeal the decision.

The committee may also appeal a disciplinary action decision.

#### **42. Appeal notices**

A person appealing a decision must, within 7 days after being given notice of the decision, give the secretary written notice of the appeal (an ***appeal notice***) that states the grounds for the appeal.

#### **43. Withdrawing an appeal**

A person appealing a decision may, at any time before the appeal is decided, withdraw the appeal by giving written notice to the secretary.

#### **44. General meeting to decide appeal**

As soon as practicable after the secretary receives an appeal notice—

- the secretary must give the parties to the appeal a copy of the appeal notice; and
- the committee must call a general meeting to consider a special resolution about the appeal.

The chair of the general meeting must ensure that—

- the special resolution is the only item of business at the general meeting; and
- the parties to the appeal are given the opportunity to be heard about the special resolution; and
- the members vote on the special resolution by a secret ballot.

In this section:

***party*** to the appeal, means—

- if the appeal is against a dispute decision—the parties to the dispute; and
- if the appeal is against a disciplinary action decision—
  - the member subject to the disciplinary procedure; and
  - the committee.

## **Part 5 Committee**

### **45. Committee—members**

The office bearers for the association are:

- the president;
- the vice president;
- the secretary;
- the treasurer.

The committee includes—

- the office bearers;
- a representative of the members in each State and Territory in which at least one affiliated club is located (*regional representatives*); and
- another seven members.

A member must not hold more than one position on the committee at the same time.

### **46. Committee—functions**

The committee may exercise the association's functions under the Act, this constitution and the association's rules and policies, other than conducting the association's business mentioned in sections 69 and 70.

The committee must appoint an eligible person to be the public officer of the association.

### **47. Committee – rule and policies**

The committee may make and interpret rules and publish policies not inconsistent with this constitution regulating the activities of the association, the conduct of members and their dogs, the conduct of flyball events and other matters considered necessary for the management of the association.

The committee may amend or repeal rules and policies as it considers appropriate.

The committee may seek the views of members about proposed rules and policies or the amendment or repeal of them in such manner as the committee considers appropriate.

The members may set aside a rule or policy by special resolution passed at a general meeting of the association.

#### **48. Committee—delegating functions to subcommittees**

The committee may delegate a function of the committee under this constitution or the association’s rules or policies to one or more subcommittees made up from members of the committee.

However, the committee must not delegate a function given to the committee—

- under the Act or another territory law; or
- by resolution of the members at a general meeting.

If the committee delegates a function to a subcommittee, the subcommittee may, subject to any limitation or condition in the delegation—

- appoint one of its members as chair of the subcommittee;
- meet on the dates and at the times and places agreed by the subcommittee; and
- decide its own procedures but the subcommittee must keep minutes of its meetings and provide copies of the minutes to the committee.

In addition to any subcommittees established under this section there will be an executive committee comprising the office bearers. Subject to the control and direction of the committee, the executive committee will be responsible for the management of the urgent affairs of the association between meetings of the committee.

An act done by the committee or a subcommittee is not invalidated because of a defect relating to the qualifications or appointment of a member of the committee or subcommittee.

#### **49. Committee—functions of president**

The functions of the president include—

- chairing committee meetings and general meetings (including annual general meetings);
- representing and speaking on behalf of the association including before any Court or government body;
- presenting a report on the association’s activities to the annual general meeting of the association; and
- exercising any other function given to the president—
  - under the Act, this constitution or the association’s rules or policies; or
  - by the committee or the members to achieve the association’s objects.



## **50. Committee—functions of vice president**

The functions of the vice president include—

- exercising the functions of the president if the president is unavailable to exercise those functions for any reason; and
- exercising any other function given to the vice president—
  - under the Act, this constitution or the association’s rules or policies; or
  - by the committee or the members to achieve the association’s objects.

## **51. Committee—functions of secretary**

The functions of the secretary include—

- keeping minutes of committee meetings and general meetings (including annual general meetings);
- keeping records of correspondence;
- keeping records of awards and titles;
- maintaining the register of members required under the Act; and
- exercising any other function given to the secretary—
  - under the Act, this constitution or the association’s rules or policies; or
  - by the committee or the members to achieve the association’s objects.

The secretary must lodge with the registrar-general notices of changes in committee as required by the Act.

## **52. Committee—functions of treasurer**

The functions of the treasurer include—

- collecting and receiving all monies due to the association and making all payments authorised by the committee;
- keeping the accounting records required by the Act;
- preparing the annual statement of accounts required by the Act;
  
- presenting the documents required by the Act to be presented by the committee at the annual general meeting;
- lodging with the registrar-general the annual return and accompanying documents required under the Act; and
- exercising any other function given to the treasurer—
  - under the Act, this constitution or the association’s rules; or
  - by the committee or the members to achieve the association’s objects.

### **53. Committee—membership**

A member of the association becomes a committee member if the member—

- is elected to the committee under section 55; or
- is appointed by the committee to fill a casual vacancy on the committee under section 58.

### **54. Committee—nominating members for election**

The secretary must, at least 28 days before an annual general meeting, give written notice to the members of the association calling for nominations of members for election to the committee.

A nomination of a member must—

- be in writing;
- identify the position for which the member is nominated; and
- be signed by 2 other members; and
- include the written consent of the nominated member; and
- be given to the secretary at least 14 days before the annual general meeting.

A member nominated for a regional representative position and the 2 other members who sign the nomination must all be recorded in the register of members as residing in the relevant State or Territory.

### **55. Committee—electing members**

If more members are nominated for the committee than positions available, the members at the annual general meeting must vote by ballot to decide who is to be elected to the committee. Voting for each regional representative position is restricted to members recorded in the register of members as residing in the relevant State or Territory. Voting must take place in the following order:

- first, voting for the position of president;
- second, voting for the position of vice president;
- third, voting for the position of secretary;
- fourth, voting for the position of treasurer;
- fifth, voting for the positions of regional representatives;
- sixth, voting for the remaining committee positions.

If the number of members nominated for any position on the committee equals the number of positions available, the nominated members are taken to be elected to the relevant positions at the annual general meeting.

If fewer members are nominated for any position on the committee than the number of positions available, at the annual general meeting—

- the nominated members are taken to be elected to the relevant positions; and
- the chair must call for further nominations to fill the remaining positions.

If the chair calls for further nominations—

- if there are more nominations than remaining positions—the members at the meeting must vote by ballot to decide who is to be elected to the committee; or
- if there are the same number of nominations as remaining positions—the nominated members are taken to be elected to the committee; or
- if there are fewer nominations than remaining positions—
  - the nominated members are taken to be elected to the committee; and
  - the unfilled positions are taken to be vacant.

If the votes cast for an office bearer position or a regional representative position or the last available committee position are equal the successful candidate will be determined by lot.

If a postal or secure electronic ballot for the election of committee members is conducted prior to the annual general meeting the ballot will be deemed to have taken place at the annual general meeting.

### **56. Committee—term of office**

The term of office of a committee member begins—

- for an elected committee member—at the end of the annual general meeting at which the member is elected; or
- for a committee member appointed to fill a casual vacancy under section 58—on the day the appointment commences.

The term of office of a committee member ends on the earliest of the following:

- the end of the annual general meeting held after the committee member’s term of office begins;
- if the person resigns from office—the day the resignation takes effect;
- if the person’s membership of the association ends—the day the membership ends;
- if the person is not physically or mentally fit to exercise the functions of office – the day the unfitness starts;
- if the person is disqualified from holding committee membership under the Act – the day the disqualification takes effect;
- if the person fails to attend three consecutive committee meetings without leave of absence being granted by the committee – at the end of the third committee meeting;
- if the person is removed from office under section 57—the day the removal takes effect.

### **57. Committee—removal of member from office**

The association may, by special resolution, remove a committee member from the committee before the end of their term of office.

## 58. Committee—filling casual vacancies

The committee may appoint a member to fill a position on the committee that—

- becomes vacant because a person’s committee membership ends under section 56; or
- was not filled at the last annual general meeting.

If there is a vacancy on the committee during a term of the committee, the committee may appoint a member to the committee for the remainder of the term of the committee.

If a vacancy is for a regional representative position the committee may only appoint a member who is recorded in the register of members as residing in the relevant State or Territory to fill the position.

Subject to section 62, the committee may continue to act despite any vacancy.

## 59. Committee meetings

The committee must meet (a ***committee meeting***) at least every two months.

Committee meetings must be held on the dates and at the times and places decided by the committee.

The committee may, by resolution, decide to hold a committee meeting using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other’s presence.

### Examples

an internet or intranet link, a phone link, a satellite link

A person who takes part in a meeting conducted using the relevant method of communication is taken, for all purposes, to be present at the meeting.

The committee may transact its business by the circulation of papers, including by electronic means, among all committee members in which case a written resolution approved in writing by a majority of committee members is taken to be a decision of the committee made at a meeting of the committee. The resolution must be recorded in the minutes of the next committee meeting.

## **60. Committee meetings—notice and business**

The secretary must give each committee member notice of a committee meeting (a *committee meeting notice*) at least—

- 48 hours before the meeting; or
- if the committee unanimously agrees on another period—that period before the meeting.

The committee meeting notice must state—

- the date, time and place of the meeting; and
- the general nature of the business to be conducted at the meeting.

The committee may only conduct business at a committee meeting that—

- is mentioned in the committee meeting notice; or
- the committee members at the meeting unanimously agree is urgent and appropriate to be conducted at the meeting.

## **61. Committee meetings—chair**

A committee meeting must be chaired by—

- the president; or
- if the president is absent—the vice president; or
- if the president and the vice president are absent—a committee member elected to chair the meeting by the committee members at the meeting.

## **62. Committee meetings—quorum**

The committee may conduct business at a committee meeting only if there is a quorum of 5 committee members.

## **63. Committee meetings—voting**

Each committee member has 1 vote on each question arising at the meeting.

A motion is carried if a majority of the committee members at the committee meeting vote in favour of the motion.

However, if the votes on a question are equal, the chair has a second or deciding vote.

A vote on a question at a committee meeting may be by a show of hands of committee members at the meeting.

However, a vote on a question at a committee meeting must be by ballot conducted at the meeting if—

- the chair decides the vote is to be by ballot; or
- at least one quarter of the committee members present at the meeting request the vote be by ballot.

If a ballot is required, the chair must decide how the ballot is to be conducted.

#### **64. Committee meetings—minutes**

The committee must ensure that minutes are taken and kept for each committee meeting.

The following must be recorded in the minutes:

- the names of the committee members at the meeting;
- a description of the business conducted at the meeting;
- if a committee member makes a disclosure of a material personal interest as required by the Act—
  - the nature and extent of the interest; and
  - the relation of the interest to the association’s activities;
- any motion on which a vote is taken at the meeting and the outcome of the vote.

The chair must sign the minutes once the committee, by a majority of the committee members present at the meeting, has confirmed they are correct.

The minutes must be published on the association’s website promptly after being confirmed.

#### **65. Committee meetings—records**

The committee must keep the following records for each committee meeting:

- committee meeting notices;
- minutes of committee meetings;
- copies of documents considered at committee meetings.

#### **66. General meetings—called by committee**

The committee may call a general meeting whenever it considers appropriate.

#### **67. General meetings—called at request of members**

The committee must call a general meeting (other than an annual general meeting) if—

- at least 10 of the members of the association ask for a meeting to be called (the ***requesting members***); and
- the request—
  - is made in writing; and
  - is given to the secretary; and
  - states the purpose of the meeting; and
  - is signed by the requesting members.

The request may be in separate documents in similar form each signed by 1 or more members.

If the committee does not call a general meeting within 1 month after the date of the request, a requesting member may call a general meeting to be held not more than 3 months after the date of the request.

If a general meeting is called by a requesting member under this section, the requesting members must give the general meeting notice required under section 70.

The committee must reimburse any reasonable expenses incurred by the requesting members in calling a general meeting under this section.

### **68. General meetings—virtual attendance**

If a general meeting is called, the committee may, by resolution, decide to hold the meeting using a method of communication, or a combination of methods of communication, that allows a person taking part to hear or otherwise know what each other person taking part says without the people being in each other's presence.

#### **Examples**

an internet or intranet link, a phone link, a satellite link

A person who takes part in a general meeting using the relevant method of communication is taken, for all purposes, to be present at the meeting.

### **69. Annual general meetings—notice and business**

An annual general meeting must be held no later than 30 November in each year.

The committee must give each member written notice of an annual general meeting at least 14 days before the meeting. Notice may be given by electronic communication or by way of an announcement on the association's website.

The notice must—

- state the date, time and place of the annual general meeting; and
- state any method or methods of communication resolved by the committee for holding the annual general meeting.

At the same time as notice of the annual general meeting is given the committee must place on the association's website:

- the agenda for the annual general meeting; and
- minutes of the previous annual general meeting and of any general meeting held since the previous general meeting; and
- information and documents directly relevant to any matters to be decided, dealt with or done at the annual general meeting.

#### **Examples—information relevant to matters to be decided**

- 1 information about nominees for committee membership
- 2 information about a proposed budget for the association

The following must be done at an annual general meeting:

- the minutes of the previous annual general meeting and of any general meeting held since the last annual general meeting must be confirmed;

- the committee must be elected under section 55;
- the documents required by the Act to be presented at the annual general meeting must be presented;
- the president’s report on the association’s activities during the previous financial year must be presented.

## **70. Other general meetings—notice and business**

The committee, or the requesting members for a meeting called under section 67, must give each member written notice of a general meeting (a ***general meeting notice***)—

- at least 14 days before the meeting; or
- if a special resolution is to be considered at the meeting—at least 21 days before the meeting.

Notice may be given by electronic communication or by way of an announcement on the association’s website.

A general meeting notice must—

- state the date, time and place of the meeting; and
- state any method or methods of communication resolved by the committee for holding the meeting; and
- include the agenda for the meeting; and
- provide information and documents directly relevant to any matters to be decided at the meeting.

A member may give the secretary written notice about any business the member would like included in the agenda for a general meeting and the secretary must include the business in the agenda for the next general meeting provided the written notice is received by the secretary at least 14 days before the date of the general meeting.

The chair of a general meeting must ensure that the only business conducted at the meeting is—

- the business stated in the general meeting notice for the meeting; and
- decisions about the procedure of the meeting.

**Examples—decisions about procedure**

- 1 election of chair for the general meeting
- 2 decision to adjourn the general meeting

## **71. General meetings—chair**

A general meeting must be chaired by—

- the president; or
- if the president is absent—the vice president; or
- if the president and the vice president are absent—a member elected to chair the meeting by members at the meeting.



## **72. General meetings—quorum**

The members of the association may conduct business at a general meeting only if there is a quorum of 10 members present.

If a quorum of 10 members is not present at the time stated in the general meeting notice, the chair of the meeting must adjourn the meeting to a day, place and time in the following two weeks. If a quorum of 10 members is not present at the new day, place and time the business of the meeting may proceed despite the absence of a quorum.

## **73. General meetings—voting**

Each member of the association at a general meeting has one vote on each question arising at the meeting.

Except where this constitution specifies differently a motion is carried if at least three quarters of the members at the meeting vote in favour of the motion.

A vote on a question at a general meeting may be by a show of hands of members at the meeting.

However, a vote on a question at a general meeting must be by ballot conducted at the meeting if—

- the chair decides the vote is to be by ballot; or
- at least 3 members request the vote be by ballot; or
- this constitution specifies that the vote is to be by ballot.

The association may hold a postal or secure electronic ballot, as determined by the committee, to decide any matter, including the election of committee members, other than an appeal under section 41. A postal or electronic ballot may not be held unless the committee has published a policy detailing how postal and electronic ballots will be conducted.

## **74. General meetings—minutes**

The secretary, or another person authorised by the committee, must take and keep minutes of each general meeting.

The following must be recorded in the minutes:

- the names of the members present at the meeting;
- 
- a description of the business conducted at the meeting;
- if a vote is taken at the meeting—
  - the motion on which the vote is taken; and
  - the outcome of the vote; and
  - whether the vote was by show of hands or ballot.
  -

The chair must review the minutes and sign them if they are correct.

The outcome of a vote on a matter at a general meeting is taken to be the resolution of the general meeting of the members on the matter.

### **75. General meetings—adjournment**

The chair of a general meeting may, at any time, adjourn the meeting if—

- there is a quorum; and
- the majority of members vote to adjourn the meeting.

The only business that may be conducted on the resumption of an adjourned meeting is the business that remained unfinished when the meeting was adjourned.

### **76. Funds—source**

The association’s funds may only be made up of—

- membership fees of members and affiliation fees for affiliated clubs; and
- donations; and
- fees and levies for sanctioning flyball events and use of the association’s property; and
- any other source that the committee decides, subject to—
  - any restrictions contained in the Act; and
  - a resolution passed by the association at a general meeting.

The committee must—

- ensure that all money received by the association is deposited into the association’s account with a deposit taking institution as soon as practicable after the money is received; and
- issue a receipt for any money received by the association as soon as practicable after the money is received, unless it is impracticable to do so.

**Examples—when impracticable to issue receipt**

- a gold coin donation
- an anonymous donation

### **77. Funds—use and management**

The association must—

- open and maintain an account with an authorised deposit-taking institution determined by the committee; and
- pay all money received by the association into the account; and
- pay all amounts spent by the Association out of the account.

The association’s funds may only be used—

- for the association’s objects; and
- either—
  - in the way the committee decides; or

- if a general meeting passes a resolution about the way the funds are to be used—in accordance with the resolution.

No part of the income or property of the association will be distributed, paid or transferred directly or indirectly to any member other than as bona fide compensation for goods or services which a member has provided to, or expenses they have properly incurred on behalf of, the association.

The committee may make payments on the association's behalf.

A cheque or other negotiable instrument must be signed, and any electronic payments must be authorised, by any two of the office bearers.

### **78. Records and other documents**

The secretary must keep all the association's records and other documents, other than accounting records, in their custody or under their control.

The treasurer must keep the association's accounting records in their custody or under their control.

The secretary must ensure that all the association's records and other documents (other than the register of members) are available for inspection by a member in hard copy or in electronic form (if available) free of charge at a reasonable time. A request by a member to inspect records and other documents must include the purpose of the inspection. The committee may refuse access to any records or documents if satisfied that allowing access would be prejudicial to the interests of the association.

### **79. Notices**

Except as otherwise specified in this constitution, any notice or other communication required or permitted to be given under this constitution may be delivered personally, posted or sent by electronic mail to the relevant address recorded in the register of members.

### **80. Claims against the association**

No member will have any claim or right of action against:

- the association;
- the committee or any individual members of the committee;
- any subcommittee or any individual members of any subcommittee;
- any employee, agent or other member of the association,

in respect of anything done, or omitted to be done, in good faith and purporting to be done in accordance with this constitution.

### **81. Winding up**

If the association is dissolved or wound up any surplus property of the association remaining after satisfaction of all debts and liabilities will be transferred to another association which:

- has objects similar to the objects of the association;

- is not carried on for the object of profit or gain for its members;
- has provision in its governing document requiring any surplus property to be passed, on its dissolution or winding up, to another association that has similar objects and is not carried on for the object of profit or gain for its members.

The association may pass a special resolution nominating another association, fund, authority or institution which complies with the requirements of this section and to which surplus property of the association will be transferred if the association is dissolved or wound up.

## 82. Definitions

**Act** means the *Associations Incorporation Act 1991*.

**affiliated club** – a club affiliated with the association under this constitution.

**appeal notice**—see section 42.

**association**—see section 1.

**club** – a club, society or association of natural persons, whether or not incorporated.

**committee meeting**—see section 59.

**committee meeting notice**—see section 60.

**contact details**, for a person, includes the person’s residential address, email address and telephone number.

**decision-maker** means—

- for a dispute resolution procedure—the person appointed under section 25; and
- for a disciplinary procedure—the person appointed under section 34.

The **decision-maker** may be a member of the committee or a sub-committee of the committee or any other person or persons considered appropriate by the committee.

**demonstration**- an event for the purpose of promoting the sport of flyball.

**disciplinary action**, against a member of the association in relation to the member’s status as a member of the association—see section 30.

**disciplinary action decision**—see section 37.

**dispute decision**—see section 28.

**dispute summary**—see section 24.

**due date**, for payment of membership fees—see section 9.

**financial year** - the year ending on 30 June.

**flyball event** – a demonstration, race meeting or training day.

**general meeting notice**—see section 70.

**ground for disciplinary action**—see section 32.

**office bearers** – see section 45.

**party**, to a dispute—see section 22.

**proposed disciplinary action**—see section 33.

**race meeting**- means an event where teams of dogs compete in flyball races.

**requesting members**, for a general meeting—see section 67.

**regional representative** - see section 45.

**special resolution**- a resolution:

- passed at a general meeting of the association of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to members;
- passed by at least three quarters of the members who, being entitled to vote, vote in person at the meeting.

**submission period**—

- for a dispute resolution procedure—see section 27; and
- for a disciplinary procedure—see section 36.

**training day** – an event held for the purpose of providing the opportunity for members to train their dogs in conditions similar to those normally found at race meetings.

**writing** – includes any way of representing or reproducing words in visible form.

### 83. Transitional

This constitution replaces the constitution (**previous constitution**) in place before 6 July 2024.

The replacement of the previous constitution does not:

- revive anything not in force or existing at the replacement date;
- affect a right, privilege or liability acquired, accrued or incurred under the previous constitution;
- affect a penalty imposed under the previous constitution.

In particular any person who was a member of the association before the replacement date and who had turned 16 years of age before the replacement date is entitled to vote at general meetings of the association as permitted under the previous constitution notwithstanding the limitation in section 6.

Persons who were members of the association immediately before the replacement date are entitled to remain members in the corresponding class under this constitution from the replacement date subject to complying with any relevant requirements of this constitution. For clarity, the corresponding classes are:

- for persons known as members under the previous constitution – ordinary membership;
- for persons known as associate members under the previous constitution – associate membership;
- for persons known as life members under the previous constitution – life membership;
- for persons known as volunteer associate members under the previous constitution – volunteer membership.