

# CONSTITUTION OF THE VICTORIAN CANINE ASSOCIATION INC.

(With amendments effective 03.08.2004)

- 1.1 The name of the Association is the Victorian Canine Association Inc. (Hereinafter referred to as the "VCA") which is an association incorporated pursuant to the Associations Incorporation Act 1981.
- 1.2 The business office of the VCA shall be located at such address as is determined from time to time by its Management Committee.

1.3 **INTERPRETATION AND DEFINITION**

In this Constitution, and in the Rules and Regulations thereto, unless the contrary intention is expressed:

"the Act"	means the Associations Incorporation Act 1981.
"affiliated body"	means a Club, Society or Association of natural persons, whether incorporated or unincorporated, desirous of conducting canine exhibitions and which has been admitted as an affiliate of the VCA
"Appeals Committee"	(as adopted 20.04.94) means a body appointed by Management Committee pursuant to Rule 2.84 and to which it delegates its powers under Rule 2.87 to hear and determine Appeals by persons aggrieved by a decision of a Disciplinary Committee appointed under these Rules.
"ANKC"	means the Australian National Kennel Council of which the VCA is a member body and an agent for awarding and issuing ANKC certificates and ANKC titles and for issuing ANKC export pedigree certificates etc.
"application for membership"	includes application for readmission to membership.
"associate affiliated body"	refers to a Club, Society or Association of natural persons, whether incorporated or unincorporated, desirous of providing services to canine activities other than the holding of Exhibitions and which has been admitted as an associate affiliate of the VCA.
"associate dog"	(as adopted 20.04.94) means a desexed dog or bitch that is not a separate breed recognised by the ANKC or a desexed dog or bitch that is not eligible to be registered in the pure bred register for any reason.
"Auditor"	means the Auditor appointed or reappointed by the members of the VCA at an Annual General Meeting.
"ballot"	(as adopted 20.4.94) means receipt of voting, voting, poll or polling.
"body"	means, where the context reasonably permits, any Society or Association, Company, Corporation or group of persons.
"committee"	means a committee of the VCA other than the Management Committee.
"Constitution"	means the Constitution of the VCA.
"controlling body"	means a member body of the ANKC or international canine controlling body recognised by the ANKC.
"Disciplinary Committee"	(as amended 20.04.94) means a body appointed from time to time by the Management Committee and to which is delegated the power to hear charges against members of the VCA
"disqualified member"	(as amended 16.04.96) A person who has been disqualified, suspended or deemed to be otherwise ineligible to take part in exhibitions held under the Rules of the VCA for the term of such disqualification, suspension or ineligibility.

"division"	(as adopted 20.04.94) means a method by which a vote is decided, in which members in attendance divide into two groups to signify either support or opposition to a motion. The chair directs the 'ayes' to move to the right of the chair, and the 'noes' to the left.
"dog"	includes bitch where the context reasonably admits.
"exhibit"	(a) used as a noun means a dog entered for exhibition at a Show or Trial. (b) used as a verb includes the verb "to show" and vice versa and "to exhibit" or "to show" includes "to compete".
"Exhibition/s"	includes Conformation Shows and Matches, Obedience Trials and Tracking Trials, Agility Trials, Field/Retrieving Trials and Water Tests, and any other canine activity approved by the VCA.
"exhibitor"	means a person in whose name an exhibit is entered for exhibition but where the context reasonably permits, shall be deemed to include a person by whom such exhibit is displayed or handled or the person in whose charge the exhibit is whilst in the precincts of an Exhibition.
"fees"	shall include monies payable in respect of the registration of or in respect of an entry of a dog in the records of the VCA and other service fees as set down in the Scale of Charges.
"financial year"	in relation to the VCA means the period of one calendar year ending at midnight on the 31st December each year.
"Gazette"	means the official Gazette of the VCA published by the Management Committee.
"handler"	means a person who displays or handles an exhibit whilst it is being exhibited.
"insolvent under administration"	means a person who: <ol style="list-style-type: none"><li>.1 under the Bankruptcy Act 1966 or the law of an external Territory, is a bankrupt in respect of a bankruptcy from which the person has not been discharged; or</li><li>.2 under the law of a country other than Australia or the law of an external Territory, has the status of an undischarged bankrupt; and includes:</li><li>.3 a person who has executed a Deed of Arrangement under Part X of the Bankruptcy Act 1966 or the corresponding provisions of the law of an external Territory or of the law of a country other than Australia, where the terms of the Deed have not been fully complied with; and</li><li>.4 a person whose creditors have accepted a Composition under Part X of the Bankruptcy Act 1966 or the corresponding provisions of the law of an external Territory or of the law of a country other than Australia where a final payment has not been made under the Composition.</li></ol>
"Investigations Committee"	(as adopted 20.04.94) means a body appointed from time to time by the Management Committee and to which is delegated the power to investigate complaints against members of the VCA.
"Judge"	means a person approved by the Management Committee to judge at an Exhibition.
"Kennel Control Council"	means the unincorporated body known by that name prior to the date of adoption of the Constitution and Rules of the VCA by its members.
"kennel prefix membership"	means a membership operating under the name of a registered prefix. As from the April 2004 AGM no new kennel prefix memberships will be approved..
"Management Committee"	means the elected Committee of Management of the VCA and includes the Office Bearers and ordinary members of such Committee.

"period of membership"	(as amended 1.6.98) means the period of time which terminates at midnight on the last day of the month in which falls the anniversary of the date of admission as a member. Provided that in the case of a membership approved before 31st May, 1998, it shall mean the 31 <sup>st</sup> December in each year. Memberships shall lapse if not renewed within one calendar month of termination.
"person"	where the context reasonably permits, includes a natural person, a firm or partnership, or syndicate or a company, corporation or any other legal entity.
"poll"	means a secret ballot conducted at either a Special or Annual General Meeting.
"prefix"	means a breeders prefix appearing in the central register of ANKC prefixes.
"the prescribed form"	means a form prescribed by the Management Committee for a particular purpose.
"prize"	includes any award, whether in the form of a certificate, a card, a ribbon, a rosette, a sash, a monetary payment, a trophy or otherwise.
"Public Officer"	(as adopted 20.4.94) in relation to an incorporated association means the person who is for the time being the public officer of the incorporated association.
"pure bred dog"	(as adopted 14.1.93) means a dog that is recognised as a separate breed by the ANKC for which a separate register shall be kept.
"recognised Exhibition"	means a Show conducted by an unaffiliated body, but recognised by the Management Committee for a particular occasion.
"resolution"	means an ordinary resolution passed by a simple majority of the number of members personally present at a meeting of members and eligible to vote and voting on the resolution.
"Regulations"	means the Regulations of the VCA as amended by the Management Committee from time to time and published in the VCA Gazette.
"Rules"	means the Rules of the Victorian Canine Association Inc, as amended by Special Resolution of members from time to time and published in the VCA Gazette.
"show"	.1 used as a noun beginning with a capital S includes any exhibition at which dogs are judged or at which dogs compete and at which prizes are awarded. .2 (as adopted 20.4.94) used as a verb includes the verb to exhibit and vice versa and to exhibit or show includes to compete.
"Special General Meeting"	means a general meeting of the members of the VCA other than an Annual General Meeting.
"Special Resolution"	means a resolution passed by a majority of not less than seventy five percent of the number of members of the VCA who, being entitled to do so, attend and vote personally on the resolution at an Annual General Meeting of the VCA or at a Special General Meeting of the VCA convened for the purpose of such resolution and notice of which meeting, specifying the terms of the resolution and the intention to propose and move the resolution as a Special Resolution, was given to all members of the VCA at least twenty one days prior to the date of holding such meeting.
"State"	means the State of Victoria.
"Sub-Committee"	means a Sub-Committee of the Management Committee or of any other committee.
"suspend"	(as adopted 20.4.94) means to debar temporarily from membership.
"suspended member"	means one who has been disqualified, suspended or is otherwise ineligible to take part in exhibitions held under the Rules of the VCA for the term of such disqualification, suspension, or ineligibility.

"Syndicate Membership"	Means, in relation to an ordinary or associate membership, two or more natural persons, incorporated or unincorporated bodies. As from the April 2004 AGM no new syndicate memberships will be approved.
"unrecognised Exhibition"	means any canine activity declared unrecognised by the Management Committee.
"VCA"	means the Victorian Canine Association Inc.
"writing"	includes printing, typing, roneo, photocopying, and any other like recognised means of written communication.

#### 1.4 **OBJECTIVES/STATEMENT OF PURPOSES**

The principal objectives of the VCA are:

- 1.4.1 To be the governing canine body for the State, to promote breed improvement of the purebred dog, to promote wide human interest in all VCA registered dogs and to secure proper appreciation and recognition of their place in human society.
- 1.4.2 To promote and raise the standards of breeding, rearing, keeping, and sale of pure bred dogs and the general welfare of all dogs.
- 1.4.3 To promote and encourage the regulation of breeding of pure bred dogs and the registration of such dogs and their progeny with the VCA.
- 1.4.4 To promote and encourage the recreation, sport, exhibition and training of VCA registered dogs and to provide facilities for those purposes.
- 1.4.5 To promote and encourage membership of the VCA and to promote the advantages and privileges of membership.
- 1.4.6 To provide for affiliation with the VCA of canine bodies and canine service organisations whose objectives are compatible with the objectives of the VCA.
- 1.4.7 To educate members, affiliated bodies and the general public on canine matters and to inform members and affiliated bodies on all other matters of concern or interest to them.
- 1.4.8 To obtain affiliation with or membership of international canine bodies and maintain membership with the Australian National Kennel Council for the purpose of achieving international and national uniformity in all canine matters so long as the objectives, decisions and rulings of the international canine bodies and Australian National Kennel Council are compatible with the objectives and domestic rules, regulations and operations of the VCA.
- 1.4.9 To liaise, co-operate and reciprocate with other recognised state, territorial and international canine controlling bodies in matters of common interest or concern and of mutual benefit.
- 1.4.10 To promote and assist and to make contributions to canine veterinary research, the preservation of canine records and artefacts of historical significance and to other worthy causes.
- 1.4.11 To assume and take over as from the date of adoption of this Constitution and the Rules of the VCA the real and personal property and liabilities of the former unincorporated body known as the "Kennel Control Council" and to continue all its obligations and operations.
- 1.4.12 To obtain recognition of the VCA and its affiliates as expert authorities on canine matters, and in particular, the sport and recreation of exhibiting VCA registered dogs.
- 1.4.13 To make representations to and to negotiate with all Government authorities on matters relating to dogs.
- 1.4.14 To make Rules and Regulations for the administration and general management of the operations and affairs of the VCA and for the conduct of canine exhibitions by its affiliated bodies and for other ancillary matters.
- 1.4.15 To publish an official Gazette each calendar month as a means of communication between the VCA and its members and affiliated bodies.
- 1.4.16 To promote the objectives of all affiliated clubs and associate affiliated canine service organisations.
- 1.4.17 (As adopted 16.4.96) To promote and develop the identity and activities of the VCA.

AND for the attainment of these Objectives/Statement of Purposes and associated or ancillary matters the VCA shall have power, which shall be vested in and be exercised by its Management Committee (subject to the Rules) on behalf of the VCA, to do all or any of the following things:

**1.5 POWERS OF MANAGEMENT COMMITTEE**

- 1.5.1 To make Regulations, Codes of Ethics and Codes of Practice and to amend or repeal same and to formulate policies and procedures in respect of any relevant matter and to do all other acts, matters and things as may be necessary, expedient or desirable to promote and put into effect all or any of the Objectives/Statement of Purposes of the VCA or other matters incidental thereto.
- 1.5.2 To publish in the Gazette monthly or periodically, all matters and items of interest or concern to members and affiliated bodies.
- 1.5.3 To grant affiliation or associate affiliation to bona fide canine bodies and canine service organisations, respectively, and to make Regulations for that purpose.
- 1.5.4 To compile, maintain and keep current, registers of financial members, life members and affiliated bodies.
- 1.5.5 To compile, maintain and keep current, a register of pure bred registered dogs whelped in the State and pure bred dogs imported into and exported from the State which are registered on a canine register kept by a controlling body recognised as such by the VCA and such other registers as may be required from time to time.
- 1.5.6 To compile, maintain and keep current, a record of transfer of ownership of pure bred dogs and registered leases of pure bred dogs in respect of dogs transferred or leased between financial members and between such members and members of other interstate and territory controlling bodies.
- 1.5.7 To grant permission to affiliated bodies to hold and conduct exhibitions of pure bred registered dogs in the respective disciplines of exhibition and under the relevant Regulations.
- 1.5.8 To make and to publish Regulations for the holding and conduct of Exhibitions, and for the awarding and issuing of ANKC certificates and titles to dogs winning or qualifying for same in competition at Exhibitions.
- 1.5.9 To publish the Rules and Regulations and policies of the ANKC for the holding and conduct of Exhibitions.
- 1.5.10 (Approved 13.4.99) To grant permission to approved charitable and fund raising organisations and non-affiliated bodies to hold and conduct sanctioned Shows under the relevant Regulations.
- 1.5.11 To promote and support approved canine festivals, displays, and kindred functions and entertainments and any other approved canine activities.
- 1.5.12 To make Regulations for the issuing of ANKC Export Pedigree Certificates for dogs exported from the State to overseas countries.
- 1.5.13 To give, or to make contributions towards, prize money, medals, trophies or other prizes to be competed for at Exhibitions.
- 1.5.14 To collect, verify and publish information relating to dogs including genetics, breeding programs, rearing of litters, dietary and veterinary articles, training and handling, and all other educational material for the benefit of members.
- 1.5.15 To provide the infrastructure to assist in the self education of Judges, Trainee Judges, Aspiring Judges, Stewards, Show Managers, Club Secretaries and Treasurers and to formulate and publish Regulations in respect of qualifications and examination requirements for Trainee Judges and Aspiring Judges in each discipline.
- 1.5.16 To publish each year a list of Judges and approved Trainee Judges.
- 1.5.17 To conduct seminars, conventions and conferences of members on selected topics.
- 1.5.18 To formulate, publish and amend or repeal Codes of Ethics and Codes of Practices.
- 1.5.19 To make Regulations and formulate procedures for dealing with complaints, the investigation of such complaints, the laying of any charges and for the hearing of such charges and for any resulting disciplinary measures to be taken and for the hearing of appeals from members against any disciplinary sanctions or penalties imposed on them or their dogs.
- 1.5.20 To adjudicate on protests or objections lodged by exhibitors at exhibitions or on appeals against decisions made at exhibitions.
- 1.5.21 To afford means for, and encourage, the amicable settlement of disputes and to prevent illegal and dishonest practices.
- 1.5.22 To encourage affiliates to resolve domestic disputes within their own organisations.
- 1.5.23 To determine from time to time membership subscriptions and all other fees necessary to carry out the Objectives/Statement of Purposes of the VCA or any of them.

- 1.5.24 To appoint or elect Committees and Sub-Committees and delegates subject to the Rules.
- 1.5.25 To award life memberships of the VCA subject to the Rules.
- 1.5.26 To hire or employ personnel on a permanent, casual, part time, contract or agency basis and to pay to them and to other persons salaries, wages, fees, gratuities and expenses for services actually rendered by them to the VCA.
- 1.5.27 To engage or retain professional consultants on a fee or a commission basis.
- 1.5.28 As amended 15<sup>th</sup> April 1992) To purchase, lease, hire or dispose of land and buildings, machinery, plant and equipment, motor vehicles, fixtures and fittings, office furniture and equipment and any other necessary chattels and to construct or erect on freehold land purchased or on leasehold land such buildings, and all other facilities and amenities which the Management Committee considers necessary for carrying out the Objectives/Statement of Purposes of the VCA or any of them, subject to the Rules.
- 1.5.29 To borrow or raise money as the Management Committee determines for the carrying out of the Objectives/Statement of Purposes of the VCA or any of them subject to the Rules.
- 1.5.30 To invest the funds of the VCA not immediately required for its business operations or other commitments on interest bearing deposits, loans or in securities as prescribed in Section 4 of the Trustee Act 1958.
- 1.5.31 To make and publish Regulations (subject to the Rules) for holding annual elections of Office Bearers and ordinary members to the Management Committee and for filling any casual vacancies on the Committee.
- 1.5.32 (Deleted 27<sup>th</sup> February 1992) (As adopted 14.1.93) To compile maintain and keep a separate register of Associate Dogs who are eligible to compete in Obedience Trials, Tracking Trials, Agility Tests or any other training activities approved and conducted by the VCA or any of its affiliated bodies.
- 1.5.33 To make application for the granting of a licence pursuant to the Liquor Control Act 1987 or for any other licence as may from time to time be considered of benefit to the VCA or its members.
- 1.5.34 To hold Annual General Meetings of members in April each year and Special General Meetings of members when considered necessary by the Management Committee or when requisitioned by members in accordance with the Rules.
- 1.5.35 (As amended 5.11.92, 20.4.94 and 26.11.96) To publish in the Gazette in March each year:
  - 1.5.35.1 a detailed audited Income and Expenditure Account of the VCA for the year ended 31st December in the preceding year (including a detailed schedule in the Notes to the Accounts of the various individual categories of expenditure which, either singly or aggregated, exceed \$500 and which are incorporated in the total for Sundry Expenses) and a detailed audited balance sheet as at that date and annual reports of the President and the Chairpersons of other Committees;
  - 1.5.35.2 an Income and Expenditure Budget and Cash Flow Budget for the current year ending 31st December, such Budgets to include all proposed new capital works expenditure, proposed expenditure on new projects undertaken or to be undertaken during the current year and the funding of same; and
  - 1.5.35.3 an Expenditure Budget and Cash Flow Budget for the period 1<sup>st</sup> January to 31<sup>st</sup> March in the year following the current financial year, showing all proposed new capital works expenditure, proposed expenditure on new projects undertaken during the period and the funding of same.
- 1.5.36 To make Regulations for the VCA to receive in trust the books, records, funds and property of unincorporated affiliated bodies which have been wound up, become defunct or been disaffiliated.
- 1.5.37 (As amended 1.6.98) To do all such other things as the Management Committee in its discretion considers as incidental or conducive to the attainment of the principal Objectives of the VCA or the fulfilment of its powers or any of them but subject always to strict compliance with the Rules and Regulations and with each of the Codes of the VCA and not otherwise.
- 1.5.38 (As adopted 16.4.96) To invest in a Company and or a Trust which has a specific purpose of owning and operating computer hardware and software which provides computer services to individuals and organisations including member bodies of the Australian National Kennel Council.
- 1.5.39 To make recommendation to the members for appointment of a Patron.

## 1.6 **MEMBERS AND AFFILIATED BODIES BOUND BY CONSTITUTION**

Every member and every affiliated body and associate affiliated body shall, as a condition of membership or affiliation, be bound by this Constitution insofar as the Constitution shall relate to them.

**1.7 ALTERATION OF CONSTITUTION**

(As amended 14.1.93) No alteration to this Constitution shall be made except by a Special Resolution passed by a majority of not less than seventy five per cent of the number of members of the VCA who, being entitled to do so, attend and vote personally on the resolution at an Annual General Meeting of the VCA or at a Special General Meeting of the VCA convened for the purpose of such resolution and notice of which meeting, specifying the terms of the resolution and the intention to propose and move the resolution as a Special Resolution, was given to all members of the VCA at least twenty one days prior to the holding of such meeting.

Any alteration to, or rescision of, a Rule or implementation of a new Rule shall be of no effect until notice of such alteration to, or rescision of, the Rule or implementation of the new Rule has been:

1.7.1 (Approved 13.4.99) approved by the Registrar of Incorporated Associations pursuant the Act; and

1.7.2 served on members by publication of the text of such alteration or rescision, or of the new Rule in the next available issue of the VCA Gazette when the provisions of Rule 2.127, as to service of notice, shall apply.

1.8 In this Constitution no heading to a Clause or series of Sub-Clauses, nor any marginal notes or footnotes in this Constitution shall be taken to be or form part of the Constitution.