

**BUDGERIGAR SOCIETY OF NEW SOUTH WALES Inc.**

**(Previously known as Budgerigar Society of Australasia Inc)**

**ESTABLISHED 1954**



**ARCHIVE OF AMENDED  
OBJECTS, RULES AND BY-  
LAWS**

	ORIGINAL RULE/BY-LAW	DATE AMENDED
BY-LAW No 7 (a) CLOSED LEG RINGS	5. Ring cards are to be provided by the Society or Branch Ring Registrar's to members purchasing closed leg rings.	Deleted BSNSW Management Meeting 12 January 2019.
RULE No. 43	A Branch of the Society may be formed at the discretion of the Management Committee upon receipt of an application in writing	Added BSNSW AGM 14 September 2019
RULE No. 43	Previous Rule No.43 changed to No.44	Ammended BSNSW AGM 14 September 2019
BY-LAW No 7 (a) CLOSED LEG RINGS	13. Branches of the Society and Associated Societies shall provide to the BSNSW Society's Ring Registrar and annual return after 31 <sup>st</sup> December, listing the ring numbers for uncoded closed leg rings allocated by them to each member for the current ring issue period.	Amended BSNSW Management Meeting 11 January 2020
BY-Law No. 7(a)	2. The ring issue date of the Society will be 1 <sup>st</sup> January each year. However the issue date must comply with the Australian National Budgerigar Council Inc. ring issue date regulations	Amended BSNSW Management Meeting 11 January 2020
BY-Law No. 7(a)	3. Closed leg rings are to be issued or posted, at the initial order stage, more than five (5) working days prior to the change over of ring issue date. Or at a date as advised by the ANBC	Amended BSNSW Management Meeting 11 January 2020
Constitution Interpretation Rule 4 Rule 6 Rule 8 Rule 9 Rule 15 Rule 16 Rule 17 Rule 18 Rule 20 Rule 22 Rule 30 Rule 32 Rule 42 Rule 43 Rule 45	<p><b><u>RULES CONSTITUTION</u></b></p> <p><b>Interpretation</b></p> <p>1. In these Rules, except in so far as the context or subject matter otherwise indicates or requires: -</p> <p>(a) A reference to a function includes a reference to a power, authority and duty; and</p> <p>(b) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of that duty.</p> <p>2. The provisions of the Interpretation Act <a href="#">1987-2009</a> apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under the Act.</p> <p>3. In these Rules, except in so far as the context or subject matter otherwise indicates or requires:</p> <p><b>"Society"</b> means the Budgerigar Society of NSW Incorporated.</p> <p><b>"Member"</b> means a Member of the Society duly admitted.</p> <p><b>"Financial Member"</b> means a Member of the Society (<a href="#">who is a member of an Affiliated Club</a>) duly admitted who shall not be in default for more than one month in payment of any fees, contributions or other amounts payable by him or her in accordance with these Rules.</p> <p><b>"Club"</b> means an <a href="#">Affiliated Club of the Society formed in accordance with the Rules of the Society</a></p> <p><b>"Branch"</b> means a Branch of the Society formed in accordance with the Rules of the Society. <a href="#">Branches will cease under these Rules on 30 June 2021.</a></p> <p><b>"Branch Member"</b> means a Member who has declared membership of a Branch when making payment of the</p>	11 February 2021

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membership fees for the current year and by making such payment through that Branch. [Branches will cease under these Rules on 30 June 2021.](#)

**“Club Member”** means a Member who has joined an [Affiliated Club of the Society](#).

**“Management Committee Member”** means a Member of the Society nominated from an Affiliated Club’s membership to the [Management Committee](#).

**“Management Committee”** means the Office Bearers of the Society elected in accordance with these Rules ~~together with one member nominated by Representative of each Branch Club in accordance with these Rules who shall have been appointed by the Branch and they represent~~

**“Secretary”** means:

- (a) The person holding office under these Rules as the Secretary of the Society, or
- (b) Where no such person holds that office – the Public Officer of the Society.

**“Special General Meeting”** means a General Meeting of the Society other than the Annual General Meeting.

**“The Act”** means the Associations Incorporation Act, [49842009](#).

**“The Regulations”** means the Associations Incorporation Regulations, [49852016](#).

**“General Account”** means the main bank account maintained by the Society for receipt of fees, donations, ring sales, etc.

#### **Membership Qualifications**

4. A person who is qualified to be a Member if, but only if:
- (a) The person is a person referred to in Section 15 (1) (a), 15 (1) (b) or 15 (1) (c) of the Act and has not ceased to be a member of the Society at any time after incorporation of the Society under the Act, or
  - (b) The person is a natural person or in the case of joint membership two or more natural persons being members of the same family living at the same address whose written application has been received and approved by [an Branch Affiliated Club as a member of the Affiliated Club](#) ~~or~~ and the Membership Registrar of the Society and recorded as a Member by the Membership Registrar of the Society.

#### **Cessation of Membership**

6. A person ceases to be a Member of the Society if the person:
- (a) Dies
  - (b) Resigns that membership
  - (c) Is expelled from the Society: or
  - (d) Is in default for more than one month in payment of any fees, contributions or other amounts payable by him or her in accordance with these Rules.
  - (e) [Ceases to be a member of an Affiliated Club](#)

#### Resignation of Membership

8. A Member of the Society is not entitled to resign that membership except in accordance with this Rule:

- (a) A Member of the Society who has paid all amounts payable by the Member to the Society in respect of the Member's membership may resign from membership of the Society by first giving notice (being not less than one month or not less than

such other period the Management Committee may determine) in writing to the ~~Branch or to the~~ Membership Registrar of the Member's intention to resign and, upon the expiration of the period of notice, the Member ceases to be a Member.

- (b) Where a Member of the Society ceases to be a Member pursuant to clause (a) and in any other case where a Member ceases to hold membership, the Membership registrar shall make an appropriate entry in the Register of Members recording the date on which the Member ceases to be a Member.

#### Register of Members

9.

- (a) The Membership Registrar of the Society shall establish and maintain a Register of Members of the Society specifying the name, address and ~~Branch/Club~~ appropriate to each person who is a Member of the Society together with the date on which the person became a Member.

- (b) The Register of Members shall be kept at the principal place of administration of the Membership Registrar and shall be available for inspection, free of charge, by any Member of the Society at any reasonable hour as agreed upon by the Member and the Membership Registrar.

#### Constitution and Membership of the Management Committee

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- (1) Subject to Section 21 of the Act, save in the case of the first Members of the Management Committee, the Management Committee shall consist of:

- (2) The Office Bearers of the Society ~~shall be~~:

- (a) The President
- (b) Two Vice Presidents
- (c) The Secretary
- (d) The Minute Secretary
- (e) The Treasurer
- (f) The Editor
- (g) The Ring Registrar
- (h) The Information and Services Section
- (i) The Publicity Officer
- (j) The Chairperson of the Judges Committee
- (k) The Chairperson of the Colour & Standards Committee

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	<p>(l) The Show Manager (m)The Membership Registrar</p> <p><u>(3) The Management Committee Members</u></p> <p><u>Each Club is entitled to nominate a BSNSW member within the Club to be a member of the Management Committee.</u></p> <p>Each Office Bearer <u>and Management Committee Member</u> of the Society shall, subject to these Rules, hold office until the conclusion of the Annual General Meeting following the date of the Member's election, and is eligible for <u>re-election, re-nomination.</u></p> <p>(4) In the event of a casual vacancy occurring in <u>an Office Bearer position of the Membership of the</u> Management Committee, the Management Committee may appoint a Member of the Society to fill the vacancy and the Member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of the appointment.</p> <p><b>Election of Office Bearers <u>and Nomination of Management Committee Members</u></b></p> <p><u>16(1) Office Bearers</u></p> <p><u>(e)(a)</u> The Secretary of the Society shall receive nominations for the election of the Office Bearers of the Society, in writing, prior to the first of June.</p> <p><u>(e)(b)</u> If no nominations for any of the positions of Office Bearers of the Society are received in accordance with clause 1 above, nominations shall be called for from the floor of the Annual General Meeting.</p> <p><u>(e)(c)</u> Where more than one nomination is received, either in writing, electronically or from the floor, for any position, a ballot shall take place in secret.</p> <p><u>(f)(d)</u> After the close of nominations, the Secretary shall inform all members, in writing or electronically, of all nominations received as called for in Clause 16.1 above before the holding of the Annual General Meeting.</p> <p><u>(g)(e)</u> If nominations are not received in accordance with either clause (1) or clause (2) any vacant positions shall be deemed to be casual vacancies.</p> <p><u>(h)(f)</u> The ballot for the election of Office Bearers shall be conducted at the Annual General Meeting.</p> <p><u>(2) Management Committee Members</u></p>	
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The Secretary of the Society shall receive nominations for membership of the Management Committee of the Society, in writing from Clubs, one month prior to the Annual General Meeting.

**Duties of Office Bearers**

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**(8) Information and Services Section Manager:** To manage the Services Section of the Society. To report to each Management Committee meeting.

To provide an information service and such other matters as the Management Committee may direct.  
To furnish the Treasurer with financial statements as and when requested by the Treasurer.  
To pay any surplus funds to the general account of the Society not later than 30<sup>th</sup> June each year.

**Casual Vacancies**

18 For the purpose of these Rules, a casual vacancy in the office of a member of the Management Committee occurs if the member:

- (a) Dies
- (b) Ceases to be a member of the Society
- (c) becomes insolvent under administration within the meaning of the Companies (NSW) code
- (d) resigns from office by notice in writing or electronically to the Secretary.
- (e) is removed from office under Rules 19
- (f) becomes of unsound mind, or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (g) is absent without the consent of the Management Committee from all meetings of the Management Committee held during a period of six months
- (g)(h) Ceases to be a member of an Affiliated Club

**Management Committee Meetings**

20. (1) The Management Committee shall meet at least six-three times in each period of twelve months at such a place and time as the Management Committee may determine and with not more than seventy days elapsing between any two meetings.
- (2) Additional meetings of the Management Committee may be convened by the President or by any member of the Management Committee.
- (3) Any nine members of the Management Committee constitute a quorum for the transaction of the business of the Management Committee, provided such members are representative of the Office Bearers and at least four Management Committee Members Branches of the Society.
- (4) No business shall be transacted by the Management Committee, unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not

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present the meeting stands adjourned to the same place and at the same hour of the same day in the following week.

- (5) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than three) shall constitute a quorum.
- (6) Use of Technology at General meetings—:
- (a) A General meeting may be held at 2 or more venues using any technology approved by the Management Committee that gives each of the Society's members a reasonable opportunity to participate.
- (b) A member of the Society who participates in a General meeting using technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

#### Voting and Decisions

- 22 (1) Questions arising at a meeting of the Management Committee, or of any sub-committee appointed under Rule 21 shall be determined by a majority of the votes of the members of the Management Committee or sub-committee.
- (2) Each Committee Member present at a meeting of the Management Committee or of any sub-committee appointed under Rule 21 (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any one question, the person presiding may exercise a second or casting vote. When a matter has been referred [by the Management Committee for comment to Clubs, Branches for discussion, a responses to such matter is to be in writing or by electronic means to the BSNSW Secretary and vote, then all Branches shall be entitled to TWO VOTES \(for or against\)](#) ~~such matters as referred to Branches. If a Branch is unable to have delegates attend a Management meeting, then their votes may be forwarded in writing or electronically to the General Secretary of the Society prior to the next Management Meeting. In cases where a Branch has only one delegate to attend a Management meeting, then their second vote may be recorded by letter delivered by post or handing in person to the General Secretary at the Management meeting.~~
- (3) Subject to Rule 20 (3), the Management Committee may act notwithstanding any vacancy on the Management Committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered by the Management Committee or by a sub-committee appointed under Rule (21) is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Management Committee or sub-committee.
- [\(5\) Questions arising at a meeting of a Branch shall be determined by a majority of the votes of the Branch](#)

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~~members present and voting at the meeting.~~

~~(6)~~(5) Members under the age of seventeen years are not entitled to vote at any meeting of the Society ~~or Branches of the Society.~~

#### Making of decisions

30 (1) Subject to clause 30 (1a) a question arising at a General meeting of the Society, being not the Annual General meeting, shall be determined on a show of hands unless before or on the declaration of the show of hands a poll is demanded. A declaration by the Chairperson that the number of votes cast for and against a resolution has been carried or carried unanimously or lost, and an entry to that effect in the Minute book of the Society recording the number of votes for and against shall be evidence of the fact of the vote recorded.

~~(1)~~ (2) The election of Office Bearers, or a question arising at an Annual General meeting of the Society shall be determined by a secret ballot of those members present and choosing to vote and who have not lodged a postal/~~electronic~~ vote with the Returning Officer. ~~and p~~Postal/~~electronic~~ votes ~~must be~~ lodged with the Returning Officer of the Society at least ~~seven~~ ~~three~~ days before the date of the Annual General meeting.

~~(2)~~ (3) At a General meeting of the Society, a poll may be demanded by the Chairperson or by not less than three members present in person at the meeting.

~~(4)~~ Where a poll is demanded at a General meeting, the poll shall be taken:

(a) Immediately in the case of a poll which relates to the election of the Chairperson of the meeting or a question of an adjournment; or

(b) In any other case, in such manner and at such time before the close of the meeting as the Chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

#### Voting

32 (1) Upon any question arising at a General meeting of the Society a member has only one vote.

~~(2)~~ For meetings of the Society, not being an Annual General meeting all votes shall be given personally. Votes at an Annual General meeting shall either be given personally, ~~or by~~ postal vote ~~or electronic vote.~~

~~(2)~~(3) Attendees at the Society's Annual General meeting shall register and have their identity verified prior to being allowed ~~to~~ enter the venue for the Annual General meeting and participate in the business of the Society.

~~(3)~~(4) In the case of an equality of votes on a question at a General meeting, the Chairperson of the meeting is entitled to exercise a second

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or casting vote.

~~(4)~~(5) A member is not entitled to vote at any General meeting of the Society unless all money due and payable by the member to the Society has been paid.

~~(5)~~(6) Proxy voting must not be undertaken at or in respect of a General meeting.

*Note. Schedule 1 to the Act provides that a Society's constitution is to address whether members of the Society are entitled to vote by proxy at general meetings*

~~(6)~~(7) Postal or Electronic voting;

(1) The Society may hold a postal or electronic ballot (as the Management Committee determines) to determine any issue or proposal (other than an appeal under clause 13.

(2) A postal or electronic ballot is to be conducted in accordance with the Schedule 3 to the Regulation.

#### Society Auditors

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(1) The Society shall at each Annual General meeting, appoint two Auditors, who may be members of the Society and who shall not be required to be formally qualified, to audit the accounts operated by the Office Bearers of the Society and to report to the members at each Annual General meeting on the results of such audit.

(2) The two Auditors appointed under clause (1) of this Rule shall be designated as Society Auditors ~~and shall be entitled to rely upon the information contained in Branch financial statements which have been submitted to the Treasurer of the Society in accordance with Rule 42 (4) and audited by the Branch Auditors in accordance with Rule 42 (6).~~

#### Branches

43.

A Branch of the Society may be formed at the discretion of the Management Committee upon receipt of an application in writing.

[This rule will no longer apply after 30 June 2021](#)

#### Affiliated Clubs

45

[The Management Committee may accept the affiliation of other Clubs and Societies that have similar Objects and are involved with the breeding and exhibiting of birds, by annual application within the guidelines laid down in Clause 45 \(1\) of the Society.](#)

#### Conditions:-

(1) An Affiliation Fee as determined by the Management

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	<p><u>Committee is to be paid to the Society each year.</u></p> <p><u>(2) Affiliated Clubs and Societies shall recognize the closed rings issued by the Society at their respective shows, but not necessarily to the exclusion of any other recognized ring.</u></p> <p><u>(3) The Affiliated Club is entitled to nominate a Member of the Society from the Club's membership to be a member of the Management Committee.</u></p> <p><u>(4) The Society and the Associated Society shall exchange publications.</u></p>	
<p>By-law No 7(a)            Clause 1            Clause 3            Clause 4            Clause 5            Clause 6            Clause 10            Clause 11            Clause 12            Clause 13            Clause 14</p>	<p><b>BY-LAW No 7 (a)</b></p> <p><b>CLOSED LEG RINGS</b></p> <ol style="list-style-type: none"> <li>The Society shall issue to financial members <u>of the Society ("financial member" is defined in the Interpretation Section and Rule 4 (a) and (b) of the BSNSW Inc. Constitution) through the or Branch Ring Registrars, and Associated Societies</u>, closed rings, ANBC coded rings for birds bred by members of the Society <u>and Associated Societies</u> as a recording tool.</li> <li></li> <li>Closed leg rings are not to be issued or posted, at the initial order stage, more than five (5) working days prior to the <u>change-over/changeover</u> of ring issue date. Or at a date as advised by the ANBC.</li> <li>Rings that carry the ANBC symbol may only be ordered and issued by the Society's Ring Registrar for all members of the Budgerigar Society of New South Wales Inc. <u>and/or Associated Society members in New South Wales.</u> These ANBC coded rings are the only closed rings to be used at all <u>the BSNSW approved Annual and State Team Challenge Shows.</u></li> <li><u>Deleted BSNSW Management Meeting 12 January 2019. Ring cards are to be provided by the Society or Club Ring Registrar's to members purchasing closed leg rings</u></li> <li><u>(ii) All financial members of Associated Societies to BSNSW may apply for an allocated personalised leg ring code for their exclusive use (as noted in 6 (i)). All orders for these rings must be made through that Associated Societies' Ring Registrar. Association members may have their club code or personal code, but not both.</u></li> <li></li> <li></li> <li></li> <li>Uncoded closed leg rings that the Society <u>or Branch or Club</u> Ring Registrar's have issued to each member shall remain the property of that member.</li> <li>On request, uncoded closed leg rings (those not carrying a personalised code) may be transferred to another member, however these must be unused and sighted by either the Society or <u>Branch-Club</u> Ring Registrar's prior to transfer to any member other than</li> </ol>	<p>Amended BSNSW Inc. Management Meeting 14 July 2021</p>

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	<p>that member originally issued them by the Society or <a href="#">Branch-Club</a> Ring Registrar's. On transfer, ring cards are to be adjusted and or reissued only by the Society's or <a href="#">Branch-Club</a> Ring Registrar's.</p> <p>12. <a href="#">Branches-Clubs</a> may return unsold rings (uncoded rings only) to the Society at the request of the BSNSW Ring Registrar should they be needed by the Society for re-issue during that current year. A credit will be issued to the <a href="#">Branch or Association Club</a>.</p> <p>13. <a href="#">Branches-Affiliated Clubs</a> of the Society, <a href="#">who choose to acquire uncoded closed ANBC rings and Associated Societies</a> shall provide to the BSNSW Society's Ring Registrar details of ring sales for <a href="#">uncoded</a> closed leg rings allocated by them to each member for the current ring issue period at the end of each month. <a href="#">Failure to provide monthly returns (including nil allocations) will result in no rings to be provided to the Club in the future until they remedy the default.</a></p> <p>14. A late ordering surcharge of \$10 per 50 rings or part thereof will be imposed for <a href="#">additional rings ordered by the Society following the initial order after the ring order closing date</a></p>	

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