

Budgerigar Society of New South Wales Inc.

(Incorporating B.S.A. Inc. established 1954)



Constitution

Adopted: 16 May 1994

Amendments to: 11 Feb 2021

(As registered with Fair Trading)

CONSTITUTION

Interpretation

1. In these Rules, except in so far as the context or subject matter otherwise indicates or requires: -
 - (a) A reference to a function includes a reference to a power, authority and duty; and
 - (b) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of that duty.
2. The provisions of the Interpretation Act 2009 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.
3. In these Rules, except in so far as the context or subject matter otherwise indicates or requires:

“**Society**” means the Budgerigar Society of NSW Incorporated.

“**Member**” means a Member of the Society duly admitted.

“**Financial Member**” means a Member of the Society (who is a member of an Affiliated Club) 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.

“**Club**” means an Affiliated Club of the Society formed in accordance with the Rules of the Society

“**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 each Club in accordance with these Rules.

“**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, 2009.

“**The Regulations**” means the Associations Incorporation Regulations, 2016.

“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 Affiliated Club as a member of the Affiliated Club and the Membership Registrar of the Society and recorded as a Member by the Membership Registrar of the Society.

Honorary Membership or Honorary Life Membership

5. The Society may accord Honorary Membership or Honorary Life Membership to any person/s who in the opinion of the Society are worthy of such recognition and any such award must be made in accordance with the By-Laws 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

Membership Entitlements not Transferable

7. A right, privilege or obligation which a person has by reason of being a Member of the Society.
 - (a) Is not capable of being transferred or transmitted to another person: and
 - (b) Terminated upon cessation of the person’s Membership.

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 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 of 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.

Fees, Subscription etc.

10.

- (a) An annual fee as determined by the Management Committee. Membership fees will be payable annually on or before 30th June.

Member's Liabilities

11.

The liability of a Member of the Society to contribute towards the payment of the debts and liabilities of the Society or the costs, charges and expenses of the winding up of the Society is limited to the amount, if any, unpaid by the Member in respect of membership of the Society as required by these Rules.

Disciplining of Members

12. (1) Where the Management Committee is of the opinion that a Member of the Society:

- (a) Has persistently refused or neglected to comply with a provision of these Rules; or
- (b) Has persistently and willfully acted in a manner prejudicial to the interests of the Society.

the Management Committee may, by resolution:

- (c) Expel the Member from the Society; or
 - (d) Suspend the Member from the membership of the Society for a specified period.
- (2)** A resolution of the Management Committee under clause (1) is of no effect unless the Management Committee, at the next meeting after service on the member of a notice under clause (3), confirms the resolution in accordance with this Rule.

- (3)** Where the Management Committee passes a resolution under clause (1), the Secretary is to cause notice in writing electronically to be served on the member, as soon as practicable:
- (a)** Setting out the resolution of the Management Committee and the grounds on which it was based.
 - (b)** Stating that the member may address the Management Committee at the next meeting to be held after the service of the notice;
 - (c)** Stating the date, place and the time of the meeting; and
 - (d)** Informing the member that the member may do either or both of the following:
 - (i) attend and speak at that Management Committee meeting
 - (ii) submit to the Management Committee at or prior to the date of that meeting written representations relating to the resolution.
- (4)** At a meeting of the Management Committee held as referred to in clause (3), the Management Committee shall:
- (a)** Allow the member an opportunity to make oral representations,
 - (b)** Give due consideration to any written representation submitted to the Management Committee at or prior to the meeting, and
 - (c)** By resolution determine whether to confirm or revoke the resolution.
- (5)** Where the Management Committee confirms a resolution under clause (4), the Secretary shall, within seven days after the confirmation, by notice in writing or electronically, inform the member of the fact and of the member's right of appeal under Rule 13.
- (6)** A resolution confirmed by the Management Committee under clause (4) does not take effect:
- (a)** Until the expiration of the period within which the member is entitled to appeal against the resolution or where the member does not exercise the right of appeal within that period; or
 - (b)** Where within that period the member exercises the right of appeal, unless and until the Society confirms the resolution pursuant to Rule 13 (4)

Right of Appeal of Disciplined Members

13.

- (1)** A Member may appeal to the Society at a General Meeting against the resolution of the Management Committee which is confirmed under Rule 12 (4), within seven days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.
- (2)** Upon receipt of a notice from a Member under clause (1), the Secretary shall notify the Management Committee which shall convene a General Meeting of the Society to be held within one month after the date on which the Secretary received the notice.
- (3)** At a General Meeting of the Society convened under clause (2):
- (a)** no business other than the question of the appeal shall be transacted;

- (b) the Management Committee and the Member shall be given the opportunity to state their respective cases orally, or in writing, or both: and
 - (c) The Members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (4) If at the General Meeting the Society passes a motion in favour of the confirmation of the resolution, the resolution is confirmed (otherwise the Member is reinstated immediately).

Powers of the Management Committee

14.

The Management Committee, subject to the Act, the Regulations and these Rules and to any resolution passed by the Society at a General Meeting:

- (a) shall control and manage the affairs of the Society;
- (b) may exercise all such functions as may be exercised by the Society other than those functions that are required by these Rules to be exercised by a General Meeting of Members of the Society; and
- (c) has the power to perform all such acts and do all such things as appear to the Management Committee to be necessary or desirable for the proper management of the affairs of the Society.

Constitution and Membership of the Management Committee

15.

- (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:
 - (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
 - (l) The Show Manager
 - (m) The Membership Registrar
- (3) The Management Committee Members.

Each Club is entitled to nominate a BSNSW member within the Club to be a member of the Management Committee.

Each Office Bearer and Management Committee Member 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 renomination.

(4) In the event of a casual vacancy occurring in an Officer Bearer Position of the 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.

Election of Office Bearers and Nomination of Management Committee Members

16.

(1) Officer Bearers

- (a)** 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.
- (b)** 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.
- (c)** 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.
- (d)** 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.
- (e)** If nominations are not received in accordance with either clause (1) or clause (2) any vacant positions shall be deemed to be casual vacancies.
- (f)** The ballot for the election of Office Bearers shall be conducted at the Annual General Meeting.

(2) Management Committee Members

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.

17.

(1) President: Has the right to preside at all meetings of the Society, when in attendance, to maintain proper control and act in the best interest of the Society and maintain an impartial attitude in all discussions.

(2) Vice Presidents: To attend all meetings of the Management Committee and to take over the duties of the President in his or her absence.

(3) Secretary: To arrange the preparation and lodgement of all documents required

by the Act to be prepared and lodged.

To keep minutes of:

All appointments of Office Bearers.

The names of Members of the Management Committee present at a Management Committee Meeting or General Meeting and proceedings at Management Committee Meetings and General Meetings.

To issue notices of General meetings, Annual General Meetings and Meetings of the Management Committee.

To pay all monies received into the hands of the Treasurer within thirty days of receipt and to carry out all other Secretarial duties.

(4) Minute Secretary: To attend and take Minutes of Meetings of the Management Committee and forward copies of same to the Secretary, other Office Bearers and Branch Representatives.

To assist the Secretary and act in the absence of the Secretary.

Minutes of proceedings at a Meeting shall be signed by the Chairperson of the Meeting or by the Chairperson of the next succeeding Meeting.

(5) Treasurer: To ensure that all monies due to the Society are collected, received and banked in the Society's accounts and that all payments authorised by the Society are made and that correct books of account are kept showing the financial affairs of the Society, including full details of all receipts and expenditure connected with the activities of the Society.

(6) Editor: To collect and edit material suitable for the Society's publications and publish bulletins for the Society at regular intervals.

(7) Ring Registrar: To advise, obtain and issue all rings of the Society. To keep a true record of all rings issued and to make these records available to the BSNSW Inc Show Manager and Club Show Managers appointed under Rule 42 (5).

To furnish to the Treasurer financial statements as and when requested by the Treasurer and to pay all monies received into the General Account within thirty days of receipt.

(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 pay any surplus funds to the general account of the Society not later than 30th June each year.

(9) Publicity Officer: To advise on advertisements in all publications and further the Society's activities by all means at his or her disposal.

(10) Chairperson of the Judges Committee: To preside at Meetings of the Judges Committee when in attendance and to organise with the assistance of the Judges Committee such activities as the Management Committee may direct. Nomination process clarified in By-Law No 3 (b) 2 & 3.

(11) Chairperson of the Colour and Standards Committee: To preside at Meetings of the Colour and Standards Committee when in attendance and to organise with the assistance of the Colour and Standards Committee such activities as the Management Committee may direct.

(12) Show Manager: To preside over Meetings of the Show Committee when in attendance and to organise with the assistance of the Show Committee such activities as the Management Committee may direct.

(13) Membership Registrar: To maintain an accurate register of the membership of the Society and to receive and process applications for membership and renewal of membership as they are received.

To pay all monies received into the hands of the Treasurer of the Society within thirty days of receipt.

(14) All Office Bearers of the Society are required to provide a written report for consideration at the Annual General Meeting.

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
- (h)** ceases to be a member of an Affiliated Club

Removal of an Office Bearer

19.

- (1)** The Society in a general meeting may by resolution remove any Office Bearer from office before the expiration of his/her term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the Office Bearer removed.
- (2)** Where an Office Bearer to whom a proposed resolution referred to in clause (1) relates, makes representations in writing or electronically to the Secretary or President (not exceeding a reasonable length of time) and requests that the representations be notified to the members of the Society, the Secretary or President may send a copy of the representations to each member of the Society or, if they are not so sent, the member is entitled to require that the representations be read out in a meeting at which the resolution is considered.

Management Committee Meetings

20.

- (1)** The Management Committee shall meet at least three times in each period of twelve months at such a place and time as the Management Committee may determine.
- (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 Club Management Committee Members 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 is not 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.

Delegation by Management Committee to Sub-Committee

21.

- (1)** The Management Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Society as the Management Committee thinks fit) the exercise of such of the functions of the Management Committee as are specified in the instrument, other than
 - (a)** This power of delegation, and
 - (b)** A function which is a duty imposed on the Management Committee by the Act or any other law.
- (2)** A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains un-revoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3)** A delegation under this Rule may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.

- (4) Notwithstanding any delegation under this Rule, the Management Committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this Rule has the same force and effect as it would have if it had been done or suffered by the Management Committee.
- (6) The Management Committee may by instrument in writing, or electronically revoke wholly or in part any delegation under this Rule.
- (7) A sub-committee may meet and adjourn as it thinks proper.

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, for discussion, a response to such matter is to be in writing or by electronic means to the BSNSW Secretary.
- (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) Members under the age of seventeen years are not entitled to vote at any meeting of the Society.

Annual General Meeting – Holding of

23.

- (1) With the exception of the first Annual General meeting of the Society, the Society shall, at least once in each calendar year and within the period of six months after the expiration of each financial year of the Society, convene an Annual General Meeting of its members.
- (2) The Society shall hold its first Annual General meeting
 - (a) Within the period of eighteen months after its incorporation under the Act, and
 - (b) Within the period of two months after the expiration of the first financial year of the Society.
- (3) Clauses (1) and (2) have effect subject to extension or permission granted by the Commission under section 26 (3) of the Act.

Annual General Meeting – Calling of and business at 24.

(1) The Annual General meeting of the Society shall, subject to the Act and to Rule 23, be convened on such a date and at such a place and time as the Management Committee thinks fit.

(2) In addition to any other business which may be transacted at an Annual General meeting, the business of an Annual General meeting shall be:

to confirm the minutes of the last preceding Annual General meeting and of any Special General meetings held since that meeting.

to receive and consider the Office Bearers' written reports

to elect Office Bearers of the Society

to elect two Auditors of the Society in accordance with Rule 43; and

to receive and consider the statement which is required to be submitted to members pursuant to section 26 (6) of the Act.

(3) An Annual General meeting shall be specified as such, in the notice convening it.

Special General Meeting – Calling of 25.

(1) The Management Committee may whenever it thinks fit, convene a Special General Meeting of the Society.

(2) The Management Committee shall, on the requisition in writing of not less than twenty members, convene a Special General meeting of the Society.

(3) A requisition of members for a Special general meeting

(a) Shall state the purpose for a Special General Meeting

(b) Shall be signed by members making the requisition

(c) Shall be lodged with the Secretary; and

(d) May consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(4) If the Management Committee fails to convene a Special General meeting to be held within two months after the date which a requisition of members for the meeting is lodged with the Secretary, any one or more members who made the requisition may convene a Special General meeting to be held not later than three months after that date.

(5) A Special General meeting convened by a member or members as referred to in clause (4) shall be convened as nearly as practicable in the same manner as General Meetings are convened by the Management Committee and any member who thereby incurs expense is entitled to be reimbursed by the Society for any expense so incurred.

Notice of meetings 26.

(1) Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Society, the Secretary shall, at least fourteen days before the date fixed for the holding of the General Meeting, cause to be sent by pre-paid post or electronically to each member at the member's address or email address appearing in the Register of Members, a notice specifying the place, date and time of the meeting and nature of the business proposed to be transacted at that meeting.

(2) Where the nature of the business proposed to be dealt with at a General meeting requires a special resolution of the Society, the Secretary shall, at least twenty one days before the date fixed for the holding of the General meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required in clause (1), the intention to propose the resolution as a Special Resolution.

(3) No business other than that specified in the notice convening a General meeting shall be transacted at the meeting, except, in the case of an Annual General meeting, business which may be transacted pursuant to Rule 24 (2).

(4) A member desiring to bring any business before a General meeting may give notice in writing or electronically of that business to the Secretary who shall include that business in the next notice calling a General meeting given after receipt of the notice from the member.

Procedure of Meetings

27.

(1) No item of business shall be transacted at a General meeting unless a quorum of members entitled under these Rules to vote is present during the time the meeting is considering the item.

(2) Twenty members present in person (being members entitled under these Rules to vote at a General meeting) constitute a quorum for the transaction of the business of a General meeting.

(3) If within half an hour after the appointed time for the commencement of a General meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the persons presiding at the meeting or communicated by written or electronic notice to members given before the day to which the meeting is adjourned) at the same place.

(4) 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.

Presiding member

28.

(1) The President or in the President's absence a Vice President, shall preside as Chairperson at each General meeting of the Society.

(2) If the President and the Vice Presidents are absent from a General meeting or

unwilling to act, the members present shall elect one of their number to preside as Chairperson at the meeting.

Adjournment

29.

(1) The Chairperson of a General meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) Where a General meeting is adjourned for fourteen days or more, the Secretary shall give written, electronic or oral notice of the adjourned meeting to each member of the Society stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2) notices of an adjournment of a General meeting or the business to be transacted at an adjourned meeting is not required to be given.

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.

(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 postal/electronic votes must be lodged with the Returning Officer of the Society at least three days before the date of the Annual General meeting.

(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.

Special Resolution

31.

A resolution of the Society is a Special resolution if:

- (a) it is passed by a majority which comprises not less than three-quarters of such members of the Society as, being entitled under these Rules so to do, vote in person at a General meeting of which not less than twenty one days written or electronic notice specifying the intention to propose the resolution was given in accordance with these Rules; or
- (b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) the resolution is passed in a manner specified by the Commission.

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 or by postal votes or electronic vote.
- (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.
- (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 or casting vote.
- (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.
- (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
- (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.

Insurance

33.

- (1) The Society shall effect and maintain insurance, pursuant to section 44 of the Act.
- (2) In addition to the insurance required under clause (1) the Society may effect and maintain other insurance.

Funds – Source

34.

(1) The funds of the Society shall be derived from entrance fees and annual subscription of members, donations, sponsorship and such other sources as the Management Committee determines.

(2) All monies received by the Society shall be deposited as soon as practicable and without deduction to the credit of the Society's bank account.

(3) The Society shall, as soon as practicable after receiving any money, issue a receipt.

Funds – Management

35.

(1) Subject to any resolution passed by the Society at a General meeting, the funds of the Society shall be used in pursuance of the Objects of the Society in such a manner as the Management Committee determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of the Management Committee, being members authorised to do so by the Management Committee and accounts conducted by the Branches shall be operated by any two members of that Branch as signatures, being members authorised to do so by the Branch Committee.

Alterations of Objects and Rules

36.

The statement of Objects and Rules may be altered, rescinded or added to, only by a Special Resolution of the Society.

Common Seal

37.

(1) The Common Seal of the Society, shall be kept in the custody of the Public Officer.

(2) The Common Seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the Common Seal shall be attested to by the signatures either of two members of the Management Committee or of any one member of the Management Committee and the Public Officer or Secretary.

Custody of Books etc.

38.

Except as otherwise provided by these Rules, the Public Officer shall keep in his or her custody or under his or her control, all records, books and other documents relating to the Society.

Inspection of Books

39.

The records, books and other documents of the Society shall be open for inspection free of charge, by a member of the Society at any reasonable hour as agreed upon by that member and the Office Bearer having custody of such records, books and other documents.

Service of Notices

40.

(1) For the purpose of these Rules, a notice may be served by or on behalf of the Society upon any member either personally or by sending it by post, or electronically to the member at the member's address or email shown in the Register of members.

(2) Where a document is sent to a person by properly addressing, prepaying and posting or emailing to the person a letter containing the document, the document shall, (unless the contrary is proved), be deemed for the purposes of these Rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post or by electronic means.

Distribution of property on winding up of Society

41.

Subject to the Act and the Regulations, in a winding up of the Society, any surplus property of the Society is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.

(1) In this clause, a reference to the surplus property of a Society is reference to that property of the Society remaining after satisfaction of the debts and liabilities of the Society and the costs, charges and expenses of the winding up of the Society.

Note. Section 65 of the Act provides for distribution of surplus property on the winding up of a Society

Society Auditors

42.

(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

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).

By-Laws

44.

- (1)** The Management Committee shall develop, maintain and publish a dated and numbered set of By-Laws by which the affairs of the Society shall be conducted.
- (2)** New By-Laws may be introduced by:
 - (a)** a motion passed by the Management Committee
 - (b)** a motion passed at a General Meeting of the Society
- (3)** By-Laws may be amended or rescinded by:
 - (a)** a motion passed at a General Meeting of the Society; or
 - (b)** a motion passed by the Management Committee, except a By-Law introduced by a motion passed by the Membership at the last Annual General Meeting may not be rescinded by the Management Committee before the next Annual General Meeting of the Society.

Associated Societies

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 Committee is to be paid to the Society each year
- (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.
- (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.
- (4)** The Society and the Associated Society shall exchange publications.