

# The West Australian Poultry Association (Inc.)

**State Body**



## CONSTITUTION 2018

AMENDED CONSTITUTION.  
REGISTERED JUNE 2018

### 1. THE NAME

of the Incorporated Association shall be The West Australian Poultry Association (Inc.)

### 2. THE OBJECTS

of this association shall be:

Promote the breeding and exhibition of pure bred poultry in Western Australia

b. Facilitate the maintaining of exhibition standards for poultry exhibition.

c. Oversee the adherence to animal welfare legislation by the poultry community of Western Australia.

d. Liaise with state sister bodies to maintain uniformity of exhibition poultry across Australia.

e. Maintain contact with all arms of the poultry industry to ensure biosecurity standards are upheld.

f. Support all poultry clubs in W.A. to ensure their goals are obtained.

g. Mediate in dispute settlement involving poultry clubs and exhibitors in W.A.

h. Maintain a record of events staged by poultry clubs in Western Australia to avoid duplication.

Conduct and maintain training for poultry judges in W.A.

Represent Western Australian poultry breeders and exhibitors in any business related to the hobby.

### 3. POWERS OF THE ASSOCIATION

The association has the power to:

a. performs all acts and do all things as are deemed necessary or desirable for the proper management of the business affairs of the Association as outlined in the objects.

b. to purchase, take on lease, exchange, hire or otherwise acquire any real or personal property or any estate or interest therein which may be considered necessary or convenient for any of the purposes of the Association.

#### 3.1 NOT FOR PROFIT STATEMENT

The property and income of the association must be applied solely towards the promotion of the objects or purposes of the association and no part of

THE WEST AUSTRALIAN POULTRY ASSOCIATION (Inc.)

that property or income may be paid or otherwise distributed, directly or indirectly to members of the association except in good faith in the promotion of those objects or purposes.

### 4. MEMBERSHIP.

The membership shall be open to any person who is interested in the breeding, keeping or exhibition of poultry in W.A.

Membership shall be in the following categories.

Ordinary Member. Any one person above the age of 16 years.

Junior Member. Any one person between the ages of 6 and 16 years.

Family Membership. Any 2 Ordinary members and 2 junior members joining as the one membership.

Honorary Life Member. The Committee is empowered to recommend for election by a General Meeting for Honorary Life Membership, persons who have rendered outstanding service to the Association and in recognition thereof. Such person when elected shall rank as a life member with the rights of an ordinary member and shall receive a Life Membership badge. No more than one Honorary Life Member may be elected annually.

#### **4.1 ELECTION OF MEMBERS**

Any person wishing to become a member of the Association shall apply by completing an Application for Membership form, available from the Secretary. Such application when completed shall be accompanied with the appropriate current Annual fee and lodged with the Secretary.

#### **4.2 RIGHTS OF MEMBERS**

Each person admitted to membership shall;

4.2. be entitled to all advantages and privileges of membership.

4.2.1 be presented with a copy of the Rules free of charge.

4.2.2 be bound by the constitution and By Laws of the Society

4.2.3 be liable for such fees, levies and charges as fixed by the Society

4.3. On written request to the secretary be entitled to:

4.3.1 to see or copy the whole of any part of the said constitution at a time convenient to both.

4.3.2. be able to request a copy of relevant parts free of charge.

4.4. on request in writing to the secretary be entitled to:

4.4.1 see and copy the register of all members.

4.4.2. see and copy the register of Committee members.

4.5. Should there be any doubts about the reasons for requesting the inspection of either of the above a Statutory Declaration may be requested

#### **5. THE REGISTER OF MEMBERS.**

The Secretary shall keep an up to date register of Affiliated Societies and individual members showing as a minimum:

i. their address, both postal and electronic.

ii. the date on which the person became a member.

iii. The date and reason the member left.

#### **6.FEES.**

Affiliation fees:

a. i. shall be paid by the member Poultry Clubs.

ii. shall be reviewed and set at each AGM.

b. i Membership Fees shall be determined Annually at the A.G.M.

Fees shall be due on the day following the A.G.M. The membership of any member whose fees remained unpaid more than ninety (90) days after the A.G.M. shall be deemed to have ceased to be a member.

Members who first join after October first (1st) in any year shall be entitled to membership until the end of the following financial year.

#### **7.1. ELECTION OR APPOINTMENT OF MANAGEMENT COMMITTEE**

i: The Management Officers shall be President, Vice President, Secretary/Treasurer, or separately, Secretary and Treasurer, Plus six additional members.

ii: The Management Committee shall be elected at the Annual General Meeting.

iii: Nominations will come from the floor.

**7.1.2** i. A member shall not be eligible to sit on the executive committee if they are an undischarged bankrupt or are subject to any of the conditions under the Incorporated Associations Act 2015 part 4 Div1 section 39

#### **7.2. 1.. CONFLICT OF INTEREST.**

i: Committee members are required to disclose any material personal interests they have in matters being considered at meetings of the Group's committee.

ii: The nature of the interest is to be recorded in the minutes

iii: The committee member to leave the meeting while the matter is discussed and voted on.

iv: The Committee member to disclose the interest to the members at a General Meeting

## **7.2 THE TERM OF OFFICE OF THE MANAGEMENT COMMITTEE**

- i. All Management Positions shall become vacant annually.
- ii. There shall be no restrictions on re-nomination.

## **7.3 THE GROUNDS BY WHICH A VACANCY MAY OCCUR ON THE MANAGEMENT COMMITTEE**

- a. A vacancy may occur if a member:
  - i. dies,
  - ii resigns,
  - iii. is expelled.
- b. For a period of one year after a membership ends the secretary must keep a record of:
  - i. the date on which the membership ceased.
  - ii. the reason why the membership ceased.

## **7.4 THE FILLING OF CASUAL VACANCIES OCCURRING ON THE MANAGEMENT COMMITTEE**

- i: Casual vacancies may be filled by appointment of a suitable person. This appointment shall stay in place until the next election.
- 7.4 ii. Any committee member vacating his/her office or other duties on the Committee for any reason shall return all documents rightfully belonging to the Association in his/her possession within seven days. The only exception to this will be sudden death and the committee will need to negotiate with executors.

## **8. MEETINGS SHALL BE HELD**

- a. Annual General Meeting shall be held not later than June 30th.
- b. Committee meetings shall be held quarterly or as required.
- c. Special meetings can be called when necessary in accordance with rule 12 b.
- d. Proxy voting will be allowed at all meetings. Written voting instructions from the absentee shall be presented to the secretary at the start of each meeting.
- 8.1 All meetings except special meetings shall follow the traditional format e.g. Opening; Roll call; Apologies; Reading of minutes of last meeting; Business arising; Correspondence in and out; Business arising; Treasurers report; Business arising; Individual Reports; Business arising from each; General business:
- 8.2. Special meetings will only discuss the business described in detail in the notice of this meeting.

## **9. PROCEDURE AT GENERAL MEETINGS OF MEMBERS OF THE INCORPORATED ASSOCIATION.**

- 9.1 The President
  - a. The President shall chair each meeting.
  - b. In the absence of the President the Vice President shall chair the meeting.
  - c. In the absence of both the above, the meeting shall elect a chairperson from those present.
  - d. Voting shall be by show of hands or consensus.
  - e. Each member society shall have one vote.
  - f. The President shall have a deliberative vote and in the case of equality, the casting vote.

The casting vote should not alter the Status Quo and the motion may be re-presented at another time.

### **9.2 1. The secretary shall:**

- 9.2.2 keep minutes of all proceedings at meetings of the Committee and General Meetings of members; and
- 9.2.3. have custody of the Association's records, documents and securities other than those required to be kept and maintained by or in the custody of the Treasurer.
- 9.2.4 i. keep up to date registers in accordance with rule 10.
- i: keep an up to date copy of the constitution.
- ii: keep a copy of the Certificate of Incorporation

### **9.2..4**

- i. Notify the Department of Mines, Industry, Regulation and Safety of any change of address within 28 days.
- ii: Submit Information statement to Department of Mines, Industry Regulations and Safety within 6 months of the end of the financial year.

### **9.3. REGISTERS.**

9.3.1. The secretary shall keep up to date registers of the following;

all members' name and addresses emails and phone numbers.

li. dedicated list of members of office holders and committee names, addresses, phone numbers and email.

a detailed record for the reason any vacancy may occur on the committee.

detailed record of any termination of membership.

9.4.i. These registers shall all be updated within 28 days if any change

ii. These shall be available for examination on request from any member subject to Rule 20.

### **9.3 Treasurer.**

The Treasurer shall have control of all financial documents and shall carry out all such tasks as described in Rule 15 The Association is in tier 1

## **10. THE KEEPING OF RECORDS OF THE PROCEEDINGS AT MEETINGS**

The Secretary will:

- a. keep the minutes of the meeting.
- b. distribute minutes to all members at least fourteen (14) days before the next meeting.
- c. deal with all correspondence both incoming and outgoing.
- d. carry out any other lawful task as requested by the committee.

## **11. QUORUM**

a. The quorum for Committee meetings shall be five (5) persons.

b. The quorum for general meetings shall be six (6) persons. c. If a quorum is not present within half an hour after the appointed time the meeting shall be adjourned to an agreed date.

## **12. NOTIFICATION OF MEMBERS OF MEETINGS AND THEIR RIGHTS TO ATTEND MEETINGS AND VOTE.**

a. Meetings may be cancelled if it is known beforehand that a quorum will not be present.

b. The Secretary will give members fourteen (14) days' notice of meetings either electronically, by post or by the members requested form of communication.

c. The notice shall include the minutes of the previous meeting and specify time, date and place of

the next meeting. d. The accidental omission to give notice of any such meeting or the non-receipt of any such notice shall not invalidate any resolution passed at any such meeting providing a quorum is present.

## **12. THE TIME WITHIN WHICH, AND MANNER IN WHICH, NOTICES OF MOTION ARE TO BE GIVEN, PUBLISHED OR CIRCULATED.**

Notices of motion will be advised electronically or by post giving members two calendar months' notice of motions to be presented at the following meeting.

## **14. NUMBER OF MEMBERS WHO MAY REQUEST A SPECIAL MEETING MAY BE CALLED.**

A special meeting must be convened in accordance with the rules of the Incorporated Association upon request in writing of twenty percent (20%) of the membership.

14.1. For a special meeting the notice must also contain detail of the reason the meeting has been called and any motions that may be proposed at that meeting.

## **15. MANNER OF CONTROL OF FUNDS OF THE ASSOCIATION**

The Treasurer shall be in control of all monies and accounts of the Association.

15.1 Financial year. The financial year shall be from January 1st to December 31st.

15.2 All bank accounts shall bear the name The West Australian Poultry Association (Inc.)

15.3 a. Working Account:

- i. Shall be a cheque account and the funds be sourced from Membership Fees, affiliation fees and cash donations.
- ii. will have three signatories. Any two signatures of these shall be required to sign.
- iii. payments must all be authorised by the committee.
- iv. Notwithstanding clause

15.3 b. iii. the Treasurer shall pay any routine accounts which will become overdue by the next meeting. Such payment must be ratified by the committee at the next meeting.

15.3. b. Investment Account:

- i. shall comprise of any excess monies invested at the best rate of interest available.
- ii: The investment account shall be reviewed as any investment period becomes due.
- iii: The committee shall authorise re- investment.
- iv: The determination of an investment account is to be authorised by the committee.
- v: All increase or decrease of the share portfolio is to be determined by the committee.

15.4. Annual Review of Books. A balance sheet and financial report reviewed by a suitably qualified person shall be presented at each Annual General Meeting

## **16. THE CIRCUMSTANCES IN WHICH PAYMENT MAY BE MADE TO A MEMBER OF THE COMMITTEE OUT OF THE ASSOCIATION FUNDS**

- a. i. Upon presentation of a receipt, or suitable paperwork, payment will be made to members for genuine out of pocket expenses which they incur in the course of carrying out their tasks.
- ii. Occasional smaller payments may be made without authorisation of the Association but must be ratified at the next meeting.
- b. The maximum amount and payment method for the ensuing year are to be authorised at the AGM.
- c. Payment to committee members will be authorised at a committee meeting.

## **17. MANNER OF ALTERING AND RESCINDING THE RULES AND THE MAKING OF NEW RULES.**

All amendments to the Rules will adhere to the following procedure.

17.1. Amendments

- a. An amendment may be made at any General meeting.
- b. Copies of the whole of the new or rewritten rule and the old rule shall be delivered to all members two calendar months before the intended meeting.
- c. Time for fair discussion must be allowed.
- d. For an amendment to pass it must be presented as a Special Resolution and gain seventy five percent (75%) of the vote of those present at the meeting.

17.2 Rescinding Motions

- a. No motion, the effect of which, if carried, would be to rescind any resolution previously passed during the same year shall be allowed unless notice of intention to move the same shall have been given in writing to the secretary at least two calendar months prior to the holding of the meeting at which it is proposed to be moved.
- b. A motion to rescind a resolution must be presented as a Special Resolution and gain seventy-five percent (75%) of the vote of those present at the meeting.

## **18. PROVISIONS FOR CUSTODY AND USE OF THE COMMON SEAL OF THE INCORPORATED ASSOCIATION**

This Association has no need and does not possess a Common Seal.

## **19. THE CUSTODY OF BOOKS AND SECURITIES OF THE INCORPORATION**

- a. All minutes of meetings and correspondence and other certificates will be kept in the custody of the Secretary.
- b. A copy of any correspondence sent or received by any other member of the Association in the pursuance of their duties should also be kept by the secretary.
- c. Any documents of proof of ownership of property shall be kept by the secretary.
- d. Cheque books, receipt books and all sundry documents pertaining to finance, shall be retained in the custody of the Treasurer.
- e. On retirement of either the Secretary or Treasurer, these documents including electronic records must be passed on to the next incumbent.
- i: The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- ii: A payment may be made to a member out of the funds of the Association only if it is authorised under sub rule (3).
- iii: A payment to a member out of the funds of the Association is authorised if it is —
  - a. the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
  - b. the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
  - c. the payment of reasonable rent to the member for premises leased by the member to the Association; or the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association

## **20. THE INSPECTION BY MEMBERS OF THE ASSOCIATION'S RECORDS AND DOCUMENTS**

- a. All members of the Association shall be entitled to request to read or take copies of any documents.
- b. The Secretary must be given at least fourteen (14) days' notice.
- c. Suitable arrangements should be made with the Secretary to read or copy these documents. This will include sending an electronic copy.

## **21. DEALING WITH DISPUTES**

This rule applies to disputes between members.

- a. Should any dispute arise, regardless of the antagonists, every effort at mediation shall be attempted.
- b. Parties to a dispute must attempt to resolve the dispute between themselves as soon as possible
- c. In the event that the parties are unable to resolve the dispute themselves, the President should be advised and act as mediator.
- d. Should the President be unable to resolve the matter it will be his/her decision to refer the matter for resolution to a disputes committee comprising three representatives from three clubs not involved in the dispute. The decision of this committee will be final.

## **22. DISSOLUTION CLAUSE.**

- a. i. Should the Association be wound up for any reason whatsoever, on the settlement of all accounts and obligations, no excess cash or property will be distributed to members.
- ii. Excess cash and properties will be distributed to another organisation with similar objects to be held in trust for the purposes of furthering the objects of The West Australian Poultry Association (Inc.)
- b. The above 22.a. ii does not preclude members recovering property which can be demonstrated as belonging to them but has been on loan.