



Eastern Suburbs Dog Training Club Inc.

**CONSTITUTION OF EASTERN
SUBURBS DOG TRAINING
CLUB INC.**

ABN 41 205 334 334

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CONTENTS

	Rule no
Definitions	1
Objects of the Club	2
Affiliation with Dogs NSW	3-4
Membership:	
Membership Qualification and Application	5-9
Termination of Membership	10
Register of Members	11
Conduct of Members	12
Membership Entitlements not Transferable	13
Fees	14
Privileges of Membership	15
Members Liability	16
Resolution of Disputes	17-19
Disciplining of Members	20-24
<u>The Committee:</u>	
Powers, Constitution, Membership	25-28
Meetings of the Committee	29-39
Office Bearers	40-41
Duties of the Secretary	42
Duties of the Treasurer	43
Election of Office Bearers and Committee	44-55
Appointment of Public Office	56-57
Committee Assistant/s	58
<u>General Meetings</u>	
Annual General Meeting:	59
AGM: Holding of & Business at	60-61
Ordinary and Special General Meetings	62-68
Notice of General Meetings	69-73
Adjournment of Meetings	74-75
Procedures of Meeting	76-94
Special Resolutions	95
<u>Miscellaneous:</u>	
Instructors	96
Insurance	97
Funds: Management	99
Alteration to Objects and Constitution	100
Common Seal	101
Financial Year	102
Show Secretary	103
Publicity Officer	104
Audit and Auditor	105
Patron	106
Club Journal	107
Shows and Trials	108
Judges	109
Records and Accounts	110
Execution of Documents	111
Inspection of Books	112
Service of Notices	113
Regulations	114-115
Property	116
Winding Up	117

PART 1 – PRELIMINARY

DEFINITIONS

1. In this Constitution, except insofar as the context or subject matter otherwise indicates or requires:

"Active Member" shall mean a member who has participated in the activities, training and/or administration of the Club on a regular basis.

"Application for Membership" includes application for re-admission to membership;

"Authorised Signatures" means the Public Officer, President, Vice President, Secretary and Treasurer of the Club.

"Body" means where the context reasonably admits, a Club, Agricultural or other Society or Association, Company or Group of persons irrespective of whether such body is incorporated or unincorporated;

"Board" means the Board of Director of the Royal New South Wales Canine Dogs NSW Ltd

"Club" refers to the Eastern Suburbs Dog Training Club Incorporated;

"the Commission" is the Government Dept responsible for Incorporated entities

"Constitution" mean the "Constitution" of the Club, and where the context so admits, includes a paragraph or sub-paragraph thereof;

"Dogs NSW" means Royal New South Wales Canine Council Ltd (Trading as Dogs NSW);

"Dual Member" means one of any two members of the one household at the same address or one of any two of the persons who are partners in the ownership of a dog.

"Financial Member" means a Member of the Club who is not in default in the payment of his annual subscription or any fees or other moneys payable by him in accordance with the Constitution;

"Financial Year" means the financial year of the Club as defined by Rule 101.

"Gender" words importing the male gender shall, where the context reasonably permits, include the female and neuter gender and the singular number shall include the plural;

"General Meeting" includes an Annual, Ordinary or Special General Meeting.

"Honorary Member" or **"Honorary Life Member"** means a person who is not a Member, whoupon the recommendation of the Committee or upon a written nomination signed by not less than five (5) Members is elected by a resolution passed in General Meeting by a majority of not less than three-fourths (3/4ths) of the Members voting in person thereat as an Honorary Member for Life or for such lesser period as may be so determined and who in the opinion of such Meeting has rendered outstanding services to the Club, or to the promotion and encouragement of the breeding or exhibition of pure bred dogs for other good and sufficient reason and who need not comply with the provisions of Rule 6;

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

"Instructor" means a person who is a member of the ESDTC Inc. who has owned, trained and competed with his dog to a minimum level of Novice Obedience (as per ANKC Obedience Constitution) or who has reached Class 3 through promotion at the Club.

"Junior Member" means a person over the age of twelve (12) years and under the age of eighteen (18) years who has been admitted as a Member by the Club.

"Life Member" means a Member who has been admitted to the Club as a Member for Life whether upon payable of a subscription or without payment of a subscription as may be determined by the Members from time to time.

"Member" means a person who has been admitted as an ordinary or Dual or Life Member of the Club and where the context otherwise so admits, shall include a person admitted to any other category of Membership and the word "Member" where the context so admits shall mean and include persons who have been admitted to any category of Membership.

"Member of the Committee" in Rule 25 where the context so admits shall be deemed to include the Office Bearers in Rule 41.

"Objects" means the objects of the Club as required by Dogs NSW in Rule 2.

"Office" means the office of the Club, and shall be a place as determined from time to time at which the records of the Club are to be kept.

"Office Bearers" means the President, Vice-President, Treasurer and Secretary for the time being of the Club;

"Period of Membership" in relation to a Member, denotes the twelve (12) months terminating at midnight on 30 June each year for which such Member is for the time being elected to Membership of the Club or such proportion of that term during which his Membership continues.

"Person" where the context reasonably permits, includes an individual, a firm or partnership, a company, a corporation, or any other legal entity.

"Public Officer" means the person who is appointed as the Club's Public Officer and until he is replaced by a person so appointed, includes the person who is nominated as the Club's Public Officer in the Club's application for registration. The person may be a member of the Committee or an Office Bearer.

"Regulations" means the Regulations made by the Committee with the approval of the Members pursuant to the Constitution and from time to time in force;

"Secretary" means the Honorary Secretary or Secretary of the Club, and where the context reasonably permits, includes the Assistant Secretary and any other person for the time being appointed by the Committee to exercise the functions of the Secretary; and

"Significant Others" means a husband and wife or two people who cohabit as partners.

"the Act" means the Associations Incorporations Act, 2009 (NSW).

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

“**Writing**” includes printing, facsimile, digital and electronic media and any other like recognised means of communication or of reproducing of words in visible form:

- (a) Words in the Constitution and Regulations where the context reasonably permit shall have the same meaning as the definitions thereof, as set forth in the constitution and regulations of Dogs NSW.
- (b) All other provisions where the context reasonably permits shall have the meaning as set forth in the Associations Incorporation Act, 2009 (NSW) and any Regulations made under the Act.
- (c) Words importing the male gender shall, where the context reasonably permits, include the female and neuter gender and the singular number shall include the plural number.
- (d) In this Constitution, a reference to:
 - 1. a function includes a reference to a power, authority, and duty and
 - 2. the exercise of a function includes, where the function is a duty, a reference to the performance of a duty.
- (e) The provisions of the Interpretation Act, 1897(NSW) apply to and in respect of these Constitution in the same manner as those provisions would so apply if these Constitution were an instrument made under that Act.

Objects of the Club

- 2. The objects of the Club are:
 - (a) To affiliate with Dogs NSW;
 - (b) To promote and encourage the breeding of pure bred dogs;
 - (c) To promote and raise the standards and exhibiting of dogs;
 - (d) To promote and encourage the community education in dog ownership via obedience training;
 - (e) To promote and encourage members to participate in Dogs NSW Obedience Trials and competitions;
 - (f) To volunteer services with no intention of financial payment or gain
 - (g) To promote the holding of exhibitions and shows and to conduct exhibitions and shows, obedience trials and dog sports.
 - (h) To foster, promote and protect the interest of exhibitors of dogs at exhibitions and shows and obedience trials;
 - (i) To collect, verify and publish information relating to dogs and the breeding and exhibition of dogs;
 - (j) To educate and encourage members, breeders and judges to abide by the requirements and standard approved by Dogs NSW for the conduct of exhibitions, shows and obedience trials;
 - (k) To promote good fellowship and sportsmanship amongst members and those participating in or attending at exhibitions, shows and obedience trials;
 - (l) To inform members of and make known to them the laws and regulations of the State relating to the ownership and care of dogs, and the responsibility of owners for the conduct and actions of their dogs;
 - (m) To hold functions and lectures relating to dogs and to the objects of the Club generally;

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

- (n) To make awards and donate prizes for competition at obedience trials, exhibitions and shows and for the competition by breeders and exhibitors of dogs;
- (o) To foster relations with other Clubs and bodies having similar aims;
- (p) To promote and assist and to make contributions to canine veterinary research and other worthy canine causes;
- (q) To invest the funds of the Club not immediately required in such manner the members shall determine;
- (r) To carry on such other activities or promote or encourage interest in the breeding, upkeep and training of and the general well-being and improvement of all breeds of dogs and to do all other things as may be necessary or conducive to carry out the objects of the Club;

Affiliation with Dogs NSW

- 3. The Members by a resolution passed in a General Meeting by majority of not less than three-fourths (3/4ths) of the Members voting in person thereat may direct the Committee to apply for affiliation with the Dogs NSW.
- 4. As an affiliated Club with Dogs NSW, the Club and every Member shall be deemed to have agreed to be bound by the Constitution and Regulations of the Control Dogs NSW for the time being in force and at all times to submit to and carry out every determination, finding, decision, requirement or direction of the Control Dogs NSW so far as the same shall relate to him or it.

PART II – MEMBERSHIP

Membership: Qualification and Application

- 5. The Membership of the Club shall be not less than:
 - (a) 50 Members having the right to vote at a General Meetings of the Club, each of whom is the registered owner or part owner of a registered dog and
 - (b) A minimum of 10 of those Members must be financial members of the Dogs NSW and own a dog registered on an ANKC Ltd National Register
- 6. Membership of the Club shall be divided into the following categories:
 - (a) Member;
 - (b) Dual Member;
 - (c) Life Member;
 - (d) Honorary Member;
 - (e) Honorary Life Member;
 - (f) Junior Member

and every person elected to Membership shall be and be deemed for all purposes to have agreed to be bound by the Constitution and Regulations for the time being in force of the Control and of the Objects and Constitution of the Club.

- 7. An Application for Membership shall be in such form as the Committee shall from time to time prescribe and shall be signed by the Applicant and lodged with the Secretary.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

8. On application with the payment of the appropriate entrance fee and subscription an applicant shall become a member of the Club and the Secretary shall cause a list of new members to be printed each month and either displayed on the Club notice board, website or if printed in the Club Newsletter.
9. A member may prior to the 30th day of June in each year, make application for re-admission as a member to his category of membership and upon payment of his annual subscription with such application shall be deemed for all purposes to have been re-elected as such a member subject to Clause 20 of these Constitution. Upon the satisfactory completion of the foregoing the Secretary will ensure that each new member is advised that a copy of the Club's Constitution is displayed on the club's website.

Termination of Membership

10. A Member shall cease ipso facto to be a Member of the Club:
 - (a) upon the termination of his period of Membership (whether by effluxion of time or otherwise) unless he shall be re-admitted pursuant to Rule 9 as a Member of the Club for a further period of Membership;
 - (b) if he resigns by notice in writing addressed to the Secretary;
 - (c) if he shall die or become bankrupt or suspend payment or compound with his creditors or be convicted of a felony or misdemeanor;
 - (d) if he becomes of unsound mind or a person whose personal estate is liable to be dealt with in any way under the law relating to mental health;
 - (e) if his annual subscription for the forthcoming Financial Year has not been paid on or before 1 July of that year;
 - (f) If pursuant to the Constitution, he shall be expelled from the Club; or
 - (g) if he is convicted of an offence involving cruelty to animals or of an offence committed at an exhibition, show or obedience trial.

Register of Members

11. A Register of Members shall:
 - (a) be kept by the Secretary and shall contain the name and address and the date of admission to and the category of Membership of each Member.
 - (b) be kept at the Office of the Club and shall be made available by the Secretary for inspection by a Member at all reasonable times.

Conduct of Members

12. A member of the Club shall strictly observe and act in accordance with the Constitution of the Club and of Dogs NSW and will uphold the honor of and use his best endeavors to further the objects of the Club.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

Membership Entitlement not Transferrable

13. A right privilege or obligation which a person has by reason of being a member of the Club:
 - a. Is not capable of being transferred to another person and
 - b. Termination on cessation of the person's membership.

Fees

14. The Members in General Meeting at any time and from time to time may fix the amount of the Annual Subscription payable by each category of Membership and may in like manner determine that an entrance fee shall be paid and the amount thereof. Provided always that any such alteration to the Annual Subscription or Entrance Fee must be by Notice of Motion and included on the notice paper for decision by the Members at the next General Meeting.

Privileges of Membership

15. Subject to the restrictions and limitations prescribed by or pursuant to the Constitution, the privileges of a Member shall be:
 - a. the right to attend and vote at all General Meeting of the Club.
 - b. to submit himself as a candidate for any Office of the Club.
 - c. to receive any publication issued by the Club.
 - d. to exhibit at any exhibition or show conducted by the Club and compete for prizes (including trophies) available for Members of the Club.
 - e. Junior Member or Honorary Member shall not be entitled to vote or take part in the proceedings of a General Meeting and shall not be eligible to hold office but shall be entitled to exercise all other privileges of Membership.

Member's Liabilities

16. The liability of a Member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the Member in respect of Membership of the Club required by Rule 14

Resolution of Disputes

17. A dispute between a member and another member (in the capacity as members) of the club, or a dispute between a member and members of the Club, are to be referred to a Community Justice Centre for mediation under the *Community Justice Centre Act 1983 (NSW)*.
18. If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
19. The Community Arbitration Act 2010 (NSW) applies to any such dispute referred to arbitration.

Disciplining and Conduct of Members:

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

20. A Member, upon election to any category of Membership, shall strictly observe and act in conformity with and not otherwise than in accordance with the Constitution and Regulations of the Club and the Constitution and Regulations of the Dogs NSW and will uphold the honor of and use his best endeavours to further the objects of the Club.
21. A Member shall furnish to the Committee such information within the knowledge of the Member as the Committee may from time to time require and within such time as the Committee may specify in respect of any act or omission on his part or his agent or servant in and about his conduct at any obedience trial, exhibition or show or in respect of any matter dealt with or regulated by the Constitution and Regulations of the Control.
22. If called upon to do so by the Committee, a Member shall supply upon statutory declaration duly made by him or his agent or servant as may be determined by the Committee any information required by the Committee pursuant to Rule 21.
 - (a) If by resolution a majority of the Members of the Committee determine that a Member has shown himself unfit to be an Office Bearer or Member of the Committee by reason of misconduct or of having done or omitted to do any act or thing in contravention of the Constitution and Regulations of the Club and of the Control the Member shall not thereafter be eligible to be an Office Bearer or Member of the Committee. If a then an Office Bearer or Member of the Committee that Member shall cease to hold such Office forthwith.
 - (b) Upon passing a resolution pursuant to Rule 22(a) the Committee shall forthwith advise the Member of the Resolution in writing posted to such Member at the address recorded by the Club for the Member by prepaid post.
 - (c) The Member may within twenty-one days of the date of the aforesaid Resolution require the Committee by notice in writing to convene a special General Meeting of Members to determine if the aforesaid Resolution should be overruled.
 - (d) If upon such enquiry, the Committee is of the opinion that a Member has willfully infringed any of the Constitution and Regulations of the Club or the Constitution and Regulations of the Dogs NSW or has been guilty of any conduct prejudicial to the Club or to a Member thereof, the Committee may call his attention to such infringement or conduct by a notice in writing addressed to such Member and shall call upon such Member to show cause why he should not be expelled from the Club or have his Membership suspended.
23. If such Member does not within a period of twenty-one (21) days of the date of the aforesaid notice, either resign his Membership or offer an explanation of the circumstances, either in person or in writing as he may elect to the Committee at a meeting thereof convened for that purpose, and if such explanation is not acceptable to the Committee, it may recommend to the Members at the first General Meeting thereof convened subsequent to such inquiry that the Member be suspended from Membership for such period as the Committee may think fit or that such Member be expelled from the Club. At such meeting the Member shall be entitled to be heard and to give his explanation of the circumstances and to call witnesses on his behalf.
24. If the recommendation of the Committee or an amendment thereof is approved by a resolution, conducted by poll, and passed by a majority of three-fourths (3/4ths) of the Members voting in person thereat, such Member shall forthwith be suspended from Membership or expelled as the case may be, and he shall have no claim whatsoever against the Committee thereof or against any Member so voting. Any Member so dealt with will have the right to appeal to the Board.

PART III– THE COMMITTEE

Powers, Constitution, Membership

25. There shall be a Committee consisting of the Office Bearers and four (4) Members of the Committee, being a total of 8 members.
26. Once elected the Committee may elect/appoint at the next Committee meeting from their Committee members a Chief Instructor; Deputy Chief Instructor; Assistant Secretary; Trial Secretary; Publicity Officer; Catering Officer; Equipment Officer.
27. The Committee shall manage and have the entire control of the affairs of the Club subject to and in accordance with the provisions of the Constitution.
28. Notwithstanding the foregoing, Eastern Suburbs Dog Training Club being an Obedience Training Club may, by a majority of not less than three-fourths(3/4ths) of the Members voting in person thereat of Members in General Meeting resolve by resolution to overrule a decision of the Committee, except a decision of the Committee to pay any account payable by the Club, or by a resolution Passed by a simple majority of the Members voting in person thereat may instruct the Committee in the light of objections expressed by any Member to any such decision to review the decision at its next meeting and make its further recommendation to the Members at the next General Meeting thereof.

Meetings of Committee

29. Meetings of the Committee shall be held at least monthly at such place and at such time as Committee from time to time determines.
30. The Secretary or his representative shall attend all meetings of the Committee. The minutes of such meetings signed by the Chairman thereof or by the Chairman of a confirmatory meeting shall be accepted as sufficient evidence of the proceedings of such meeting
31. The quorum for a Committee meeting shall be not less than one-half (1/2) of the members thereof present in person.
32. The Secretary shall call a meeting of the Committee whenever requested so to do by the President or by three (3) members of the Committee.
33. The President, or in his absence, or if he shall be unwilling to act, a Vice-President present or if present he shall be unwilling to act, then a Member of the Committee elected by the Members thereof present in Person shall be the Chairman of a meeting of the Committee.
34. A Member of the Committee shall not vote in respect of any contract or proposed contract with the Club in which he is interested or in respect of any matter arising there out of and if he does vote his vote shall not be counted.
35. All acts done by any meeting of the Committee or by a sub-committee thereof or by a sub-committee appointed by the Members or by any person acting as a Member of the Committee or a sub-committee notwithstanding that it is afterwards discovered that there was some defect in the appointment of the Committee or of a sub-committee or any person acting as aforesaid, or that the Members of the Committee or any of them or of a sub-committee were disqualified shall be as valid as if any such person had been appointed and was qualified to be a Member of the Committee or of such sub-committee.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

36. A resolution in writing signed by all Members of the Committee for the time being entitled to receive notice of a meeting of the Committee shall be as valid and effectual as if it had been passed at a meeting of the Committee duly held and convened. Any such resolution may consist of several documents in like form each signed by one or more Members of the Committee.
37. A Member of the Committee absenting himself from three (3) consecutive meetings without leave of the committee shall ipso facto cease to be a Member of the Committee, and if an Office Bearer he shall ipso facto also cease to hold his office.
38. A casual vacancy occurring amongst the Members of the Committee caused by the death or resignation of a Member thereof or by a Member ceasing for any reason to be a Member of the Committee, shall be filled by the Committee at its next meeting and the Member so appointed shall hold that office until his appointment is confirmed by the Members at the next General Meeting or the vacancy is otherwise filled by the Members.
39. A meeting of the Committee may include attendance in person or by teleconference or by electronic conference and/or a combination of all these forms, and decisions made at such meetings shall be deemed valid as if all those persons participating were in attendance in person thereat.

OFFICE BEARERS:

40. The Office Bearers of the Club must be:
 - a. A Financial Full Member or Associate Member of Dogs NSW and
 - b. A resident of the State of New South Wales
41. The Office Bearers of the Club shall be:
 - a. the President for the time being of the Club, who, unless otherwise determined by the Members, shall not hold office for more than three (3) years in succession;
 - b. one (1) Vice-President;
 - c. the Treasurer; and
 - d. the Secretary

A Member shall not hold more than one (1) such office at any one time, with the exception of also being appointed the Public Officer

- (i) No Office Bearer shall hold the same office at any one more than three years in succession nor shall he offer himself for re-election to that Office within a period of twelve months from the date of the termination of such Office;
- (ii) No significant others shall sit on the Committee at the same time.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

Duties of the Secretary

42. The Secretary of the Club shall exercise and perform all the usual secretarial functions and generally attend to the secretarial work of the Club and in particular shall keep and maintain:
- a. the Register of Members;
 - b. a Register of the persons who are appointed by the Members as judges;
 - c. Minutes of all proceedings of meetings of the Committee and of the Club;
 - d. all necessary records of the affairs of The Club;
 - e. a complete record of awards made at all obedience trials conducted by the Club.

Duties of Treasurer.

43. The Treasurer shall:
- a. receive all monies paid to the Club and accord the same to be paid into the banking account of the Club kept for such purpose as soon as practicable;
 - b. keep all necessary books of account and financial statements as shall be required by the Auditors;
 - c. prepare the annual balance sheet and accounts and accompanying reports;
 - d. submit financial statements to Members of the Committee and of the Club;
 - e. produce to the Members in General Meeting Financial Statements;
 - f. keep receipts for payments authorised by the Club and the Committee; and
 - g. keep a true and correct inventory of all property of the Club.

Election of Office Bearers and Committee

44. The Office Bearers and the Members of the Committee shall be elected annually at the Annual General Meeting and shall take office at the close of the Annual General Meeting at which they are elected. The office bearers will hold office for 12 months.
45. Nomination of Members proposed as Office Bearers and Members of the Committee shall
- a. Be made in writing to the secretary at least twenty-one (21) days before the date of the Annual General Meeting, and shall be signed by at least one (1) member and the nominee
 - b. may submit on such form as approved from time to time
 - c. All such nomination forms shall be placed in a designated area of the website, allocated specifically for such notifications of meetings to members, together with the Agenda for the AGM and the Financial Reports of the Audited Accounts, at least fourteen (14) days prior to the holding of the Annual General Meeting.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

46. Any Member desirous of voting by mail shall register such desire with the Secretary at least twenty-one (21) days before the date of the Annual General Meeting. Such registration shall be accepted by the Secretary if in writing, signed by the Member registering and if a stamped and addressed envelope to that Member is enclosed with such notification. Member who has so registered shall be called a 'Postal Voting Member'.
47. A list of all such nominations shall be sent to each of the Postal Voting Members at least fourteen (14) days prior to the holding of the Annual General Meeting. Such list shall contain in respect of a retiring member of the Committee whose name appears thereon the number of such meetings held during the preceding years, and the number thereof which he attended, whilst he was a member of the Committee.
48. If there be not a nomination for the office of President or Vice-President, or if a Member nominated for such office declares at the Annual General Meeting verbally or in writing that he is unwilling to stand for that office, or if the number of Members required for election as Members of the Committee are not nominated, the Members may propose and second orally at the Annual General Meeting, sufficient Members to fill any such office.
49. If there be more than the required number of Members nominated for the election to any office, an election by ballot shall take place, but if there be only the requisite number, the Chairman shall declare those nominated to be duly elected.
50. If the election of the Office Bearers and Members of the Committee shall be by ballot, the List of Nominations sent to Postal Voting Members as aforesaid shall constitute a voting paper for such Postal Voting Members and shall indicate by an asterisk and footnote those Members eligible for re-election. The Secretary shall initial and number consecutively the top right-hand corner of the ballot paper and keep a true record of the number of ballot papers issued.
51. For the purpose of the ballot, a Returning Officer and not less than two scrutineers shall be appointed by the Members at, and as the first business of the Annual General Meeting. Upon the appointment of the Returning Officer and scrutineers, the Secretary shall hand to the Returning Officer List of the Members of the Club entitled to vote. If the ballot paper shall not have been endorsed and numbered by the Secretary as aforesaid, or the envelope containing the ballot paper has not been signed by the Member purported to vote, such ballot paper shall be declared informal, and the votes of that Member shall not be counted.
52. A voting paper shall be prepared by the Secretary with the names of the candidates listed thereon in alphabetical order which shall be posted to each Postal Voting Member in the stamped and addressed envelope referred to in Clause 50 not later than fourteen (14) days prior to the date of the Annual General Meeting. At the Annual General Meeting, the Secretary shall hand a voting paper to each other Member present.
 - a. Each Postal Voting Member wishing to participate in the ballot shall strike out from the voting paper all the names except the names of the candidates for whom he wishes to vote and shall insert the voting paper only and without any other matter in and endorse his name on the inside of the flap of the envelope forwarded by the Secretary for that purpose and return such envelope properly sealed so as to arrive at the Club's Office not later than 5.00pm (which shall be the time of the closing of the postal ballot) on the date appointed for the holding of the Annual General Meeting at which the result of the ballot is to be declared as hereinafter provided.
 - b. Each other Member wishing to participate in the ballot shall Vote in the same manner.
 - c. and thereupon hand his voting paper to the Returning Officer.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

53. Forthwith after the appointment of the Returning Officer and the scrutineers, the Returning Officer shall count or cause to be counted by the said scrutineers the vote as recorded on voting papers so received at the Club's Office. Such votes shall be counted in the presence of the President or the Vice-President and of any person or persons standing for election who may attend.
54. The Returning Officer shall declare the result of the ballot immediately after the votes have been counted, and announce the number of votes polled by each candidate, and in the event of an equality of votes in favor of any candidate which could affect the election of the candidate, the Members at the Annual General Meeting shall elect one of such candidates to fill the vacancy for which he was nominated by a resolution passed by a simple majority of members present and voting thereon. The Returning Officer shall deliver all ballot papers so counted to the Secretary in a sealed envelope or wrapper who shall keep the same for a period of ninety (90) days from the date of the meeting.
55. If any question shall arise as to the validity or invalidity of a voting paper, or whether any particular Office, a statement by the Returning Officer that the relevant voting paper is or is not valid or that a particular Member has or has not been elected to a particular Office shall be conclusive.

Appointment of Public Officer

56. The Club must appoint a Public Officer at each annual General Meeting:
 - a. It must be a person over 18 years of age and ordinarily reside in NSW
 - b. The position of Public Officer may be, but need not be, held by the Treasurer of the Club
 - c. The Public Officer's acts are valid despite any defect of the appointment
 - d. If there is any change to the address of the Public Officer of the Club, the Secretary in the approved form must notify the new address within 28 days after the change occurs to the NSW Department of Fair Trading.
57. The position of Public Officer becomes vacant in the following circumstances:
 - a. If he dies
 - b. If he resigns in writing addressed to the Clubs' committee
 - c. If he is removed from office, applies to the benefit of any law for the relief of bankruptcy or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit
 - d. If he becomes mentally incapacitated
 - e. If he ceases to ordinarily reside in NSW
 - f. In any other circumstance as the Constitution of the club may provide
 - g. Within 14 days after vacating office, a former Public Officer of the Club must ensure that all documents in his possession that belong to the Club are delivered to an Office Bearer of the Club

Committee Assistants

- 58.
- a. On a resolution of the Committee, or upon a motion of a Member in General Meeting, may at any time and from time to time appoint assistant/s for specific functions or duties as may be required, the details of which to be included in the Minutes of the Meeting of such appointment;
 - b. Such person/s shall cease to act once the function or duty has been completed; or may be removed or replaced as the needs arise and in like manner another may be appointed person/s in his stead.

PART IV - GENERAL MEETINGS

Annual General Meeting - Holding Of

- 59.
- a. With the exception of the first Annual General Meeting of the Club, the Club shall, at least once in each calendar year and within the period of three (3) months after the expiration of each Financial Year of the Club, convene an Annual General Meeting of its Members.
 - b. The Club shall hold its first Annual General Meeting:
 - (i) within the period of eighteen (18) months after its incorporation under the Act; and
 - (ii) within the period of two (2) months after the expiration of the first Financial Year of the Club;

Annual General Meeting - Calling of and Business at

60. The Annual General Meeting of the Club shall, subject to the Act and to Rule 59, be convened on such date and at such place and time as the Committee thinks fit
61. In addition to any other business which may be transacted at an Annual General Meeting, the business at an Annual General Meeting shall be:
- a. to accept the apologies
 - b. to appoint a Returning Officer and not less than two (2) scrutineers as required by Rule 51
 - c. to confirm the Minutes of the preceding Annual General Meeting
 - d. to receive and adopt the balance sheets and accounts of the Club and the accompanying reports thereon;
 - e. to receive from the Returning Officer pursuant to Rule 51, the result of the ballot for the election of the Office Bearers and the Members of the Committee or pursuant to Rule 44, to elect Office Bearers or Member of the Committee;

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

- f. to appoint:
 - i. an Auditor
 - ii. a Public Officer
- g. to transact any other business written notice of which shall have forwarded to the Secretary at least 21 days prior to the Annual General Meeting and included on the Agenda
- h. The minutes of the Annual General Meeting shall be read at the next ordinary General Meeting.

Ordinary & Special General Meeting – Calling of and Business at

- 62. No committee or general meeting of the Club may be conducted in a private or domestic residence.
- 63. A minimum of two ordinary General Meetings shall be held each year, unless Government laws or regulations prohibit the holding of public meetings, shall be convened pursuant to the Constitution.
- 64. In addition to any other business which may be transacted at an Ordinary General Meeting, the business at an Ordinary General Meeting shall be:
 - (a) to note apologies for non-attendance;
 - (b) to confirm the Minutes of the preceding Ordinary General Meeting, or AGM as the case may be;
 - (c) to transact business arising out of such Minutes;
 - (d) to receive the reports of the Committee, the Secretary and the Treasurer and any other such reports as may be required to be given;
 - (e) to receive the reports of Sub-Committees;
 - (f) to elect new Members;
 - (g) to consider and deal with business deferred from the previous meeting;
 - (h) to consider and deal with Motions of which notice has been given;
 - (i) to consider and deal with correspondence received since the previous General Meeting;
 - (j) to receive Notices of Motion;
 - (k) to consider and deal with Motions of which notice has not been given;
 - (l) to hear through the Chairman's answers to questions from Members and where appropriate, to deal with the subject matter thereof;
 - (m) to deal with such other business as the Chairman or the Members may allow.
- 65. A Special General Meeting shall be convened by the Secretary at the direction of the President or of the Committee or on the written request of five (5) Members.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

66. The business to be transacted at a Special General Meeting shall be set out in the notice governing the same, and no other business shall be transacted thereat or at any adjournment thereof.
67. The quorum at a General Meeting (whether an Annual, Ordinary or Special General Meeting) shall be such number being not less than ten (10) Members present in person as the Members from time to time shall determine.
68. The President or in his absence or if he shall be unwilling to act, a Vice-president or if there shall not be a Vice-President present, or if present each shall be unwilling to act, then a Member elected by the Members present in person shall be the Chairman of such a Meeting.

Notice of General Meetings

69. Every General Meeting shall be convened by notice given by the Secretary to each Member of the Club specifying the date, time and venue of such meeting. The signature to any such notice may be written, stamped, impressed, typed or printed. Every such meeting shall commence not later than 8.00pm.
70. At least seven (7) days prior notice shall be given in respect of each such meeting by any form of communication either by journal, website, email, letter, notice or any other form of communication, provided that, with the sanction of a General Meeting, one notice containing the particulars required by Rule 60 in respect of each General Meeting to be held during the Financial Year may be sent within the time aforesaid to the Members in the month of July each year or at such other time of the Financial Year in respect of the future General Meetings in that year as a General Meeting may direct. Provided further that a copy of a Notice of Motion received in writing from a Member shall be sent by the Secretary to each Member within the time aforesaid of the General Meeting at which the same is to be dealt with.
71. Notice of a General Meeting shall be deemed to have been given to each Member if it is published in the Club's newsletter or journal or notified by email of same being published on the website or individually forwarded by digital medium provided that such publication is made and dispatched to the Members not less than fourteen (14) days prior to the date of the meeting or if it is served upon him personally or if it is sent through the post in a prepaid letter, envelope or wrapper addressed to such Member at the address furnished by him to the Secretary or his last address known to the Secretary. A notice sent to one of a Dual Membership or to one of a Family Membership shall be deemed for all purposes to have been notice given to each of such Members.
72. The accidental omission to give notice to a Member or if a Member shall fail to receive a notice sent as aforesaid, shall not invalidate a General Meeting.
73. A notice sent by post shall be deemed to have been served from the day following that on which the letter, envelope or wrapper containing the same is posted. In proving such service, a Certificate signed by the secretary that the letter, envelope & wrapper was properly addressed, postage prepaid and put into the Post Office or a receptacle provided by Australia Post for the purpose of posting letters, shall be conclusive evidence thereof.

Adjournment of Meetings

74. If at a General Meeting or at a Committee or Sub-Committee Meeting a quorum shall not be present after the lapse of fifteen (15) minutes from the appointed time thereof, the meeting shall thereupon lapse.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

75. A General Meeting of Members or a Meeting of Members of a Committee or of a Sub-Committee shall have the power to adjourn its proceedings from time to time for any period not exceeding at any one time, one (1) month.

Procedure at Meetings

76. All questions arising at a General Meeting or at a Meeting of the Committee or of a Sub-Committee, other than questions of order or practice which shall be decided by the Chairman, shall be decided by the majority of votes cast at such meeting and in the case of equality of votes, the Chairman shall have a casting vote. There shall be no proxy voting at general meetings.
77. At Meetings of Members or of the Committee or of a Sub-Committee the mode of voting shall in the first instance be by a show of hands, or if required by any Member by an actual division or by ballot and the Chairman shall have an ordinary and in the case of equality also a casting vote and all questions shall be decided by the majority of votes of the Members voting in person at such Meeting provided that on a resolution relating to the election of the Office Bearers or of the Members of the Committee or relating to the expulsion of Members, the foregoing shall not apply and in lieu thereof votes shall be taken in accordance with the relevant Constitution.
78. The Chairman of a General Meeting or of the Committee or of a Sub-Committee:
- a. shall conduct the meeting in accordance with the Constitution governing any such meeting and with the law and accepted practice relating thereto;
 - b. shall make himself familiar with such Constitution, the law and accepted practice relating thereto;
 - c. shall be bound by the Constitution and Regulations made pursuant thereto and shall ensure that the meeting at all times conforms thereto and shall administer the same fairly and impartially;
 - d. shall at all times endeavour to be concise in his statements to the meeting and be fair when summing up points at issue or as have been or are the subject of debate and to speak clearly so as to be heard by the Members;
 - e. provided that a quorum is then present or if not, then as soon as a quorum is present within the allowed time, shall declare the meeting open at the hour appointed;
 - f. if a quorum is not present as aforesaid, or if during the meeting there shall cease to be a quorum, shall adjourn the meeting or declare that it has lapsed as may be required by the Constitution or Regulations;
 - g. shall introduce the items of business in the order set out in the notice convening the meeting or as prescribed by the Constitution and shall not change such order without the approval of a resolution of the Members present pursuant to a Motion specifying the change required in such order;
 - h. shall close the meeting promptly at the completion of the business to be transacted thereat, or unless the Members shall otherwise determine, the time appointed;
 - i. shall not be entitled to take the Chair upon his late arrival at a meeting if some other person has been elected Chairman, due to his absence unless such Chairman as an act of courtesy, resigns from such position;

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

- j. shall not be required to accept a Motion of no-confidence in the Chair or that the Chairman leave the Chair provided that, except when the President is in the Chair, a Member may move that a Member who shall be named and who shall consent thereto take the Chair for the meeting, and if carried, the Chairman shall forthwith vacate the Chair and such Member shall become the Chairman for the remainder of the meeting; a member may propose or second himself as Chairman and may vote for himself;
 - k. shall call upon a Member by his name to speak and shall alone determine the order of the speakers;
 - l. shall not permit discussion of any subject matter unless there is a Motion thereon before the meeting and shall forthwith terminate all irrelevant discussion;
 - m. shall ensure the decision of the meeting is properly ascertained in respect of any question before it and subject to the Constitution shall give to the Members and sufficient opportunity to express their opposing views;
 - n. shall determine whether a Motion or an amendment thereof falls within the terms of the notice of the meeting or within a written Notice of Motion, and shall not Rule out of order a Motion which is within the competence of the meeting when all the conditions incidental to the submission of the matter to the meeting have been observed;
 - o. shall, if a poll is demanded, determine the time and manner of taking it and if it is not possible to take such a poll during the course of the meeting, may adjourn the meeting for such purpose and may order a poll to be taken although the meeting desires voting by a show of hands;
 - p. shall enter or cause to be entered in the Minute Book the result of a poll and such entry shall be prima facie evidence of the result thereof;
 - q. where the voting is by show of hands, may require another vote although he has previously declared the result.
79. A member present at a meeting:
- a. shall not address a meeting without first being called upon so to do by the Chairman;
 - b. desirous of moving a Motion or an amendment to a Motion or of taking part in discussion shall rise and when called upon to speak shall address the meeting through the Chairman;
 - c. proposing a Motion or an amendment to a Motion, shall state its nature before so addressing the meeting;
 - d. shall resume his seat immediately upon the conclusion of his remarks or if the Chairman rises or proceeds to speak or when called upon by the Chairman so to do;
 - e. shall not discuss or challenge a decision of the Chairman on a point of order and shall not move a Motion of disagreement with, or which would have the effect of altering any such decision;

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

- f. shall not interrupt a speaker unless moving a Motion on a point of order whereupon the speaker- shall resume his seat whilst the Member so moving is heard and the point of order determined whereupon if the decision is in his favour, the speaker may proceed with his subject;
 - g. may at any time rise and address the Chairman on a point of order, but shall at once state so and confine his remarks to the point of order raised; a point of order shall be taken immediately if it is raised;
 - h. shall not speak more than once on a Motion, except as the mover thereof as a right of reply
80. Motions shall be moved in the order in which the notices thereof have been received and shall not be proceeded with in the absence of the Member giving such notice unless he has authorised some other Member to move it on his behalf.
81. A Motion may be moved or seconded by any Member, with the exception of the Chairman who cannot move or second any motion or amendment to a motion.
82. Where there is an even amount of votes both for and against a motion, the Chairman must use a casting vote that must maintain the status quo.
83. Upon a Motion being moved and seconded, the Chairman shall allow debate thereon as prescribed by the Constitution and at the close of such debate shall put the Motion to the meeting.
84. Upon a Motion being put to the meeting and carried by the requisite majority of the Members, it shall become a resolution of the meeting and recorded accordingly.
85. The mover or seconder of a Motion shall not move or second an amendment to it but shall be entitled to speak upon any amendment and to vote in favour of it.
86. Where Notice of a Motion has been given in writing, an amendment thereto shall not be moved unless notice of such amendment has been given in writing. Provided that the meeting by a resolution passed by a simple majority of the Members voting in person thereat may consent to a Motion of amendment moved verbally at the meeting.
87. A Motion for amendment shall not be accepted by the Chairman which is or tends to be or would have the effect of being a negative of the Motion intended to be amended.
88. A second or subsequent Motion of amendment to an original Motion shall not be moved until the previous Motion of amendment has been dealt with by the meeting.
89. If a Motion or subsequent Motions for amendment shall be carried, the original Motion as amended shall then be debated and thereafter put to the vote of the Members.
90. The mover of an amendment shall not have the right to reply, after the debate thereon.
91. A Motion for amendment shall be put to the meeting before the original Motion is put.
92. Motions for amendment shall be taken in the order in which they affect the terms of the original Motion, and an amendment shall not be allowed in respect of those parts of the original Motion which have already been carried.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

93. Except when another Member is speaking, a Member who has not moved, seconded or spoken on a Motion then before the meeting or on a proposed amendment thereto, may move at any time that the meeting proceed to the next business and such Motion shall not be amended but shall be immediately put to the vote without speech or discussion. If carried the matter then before the meeting shall be disposed of for that meeting, and the meeting shall proceed to the next business. If not carried, the meeting shall deal with the original Motion provided that a Member as aforesaid may again move a similar Motion. The business so shelved may be brought up again at another meeting on due notice being given in accordance with the Constitution.
94. If a Member who is entitled to attend and vote at a General Meeting of Members or at a meeting of a Committee or Sub-Committee is denied admittance to such meeting, or if during such meeting he is removed or compelled to leave the meeting other than for good and sufficient reason as provided by the Constitution, all business conducted thereat shall be void and of no force or effect as though such meeting had not been held.

Special Resolution

95. A resolution of the Club is a Special Resolution if -
- a. it is passed by a majority which comprises not less than three-fourths (3/4ths) of such Members of the Club as, being entitled under these Constitution so to do, vote at a General Meeting of which not less than twenty-one (21) days written notice specifying the intention to propose the resolution as a Special Resolution is given in accordance with these Constitution;
 - b. it is submitted on such form, available from the website and as approved by the Committee from time to time
 - c. 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 sub.-paragraph (a) - the resolution is passed in a manner specified by the Commission.

PART V - MISCELLANEOUS

Instructors

96. An instructor shall instruct classes, help with the organisation on the day of training and other club activities.

Insurance

- 97.
- a. The Club shall affect and maintain insurance.
 - b. In addition to the insurance required under sub-paragraph (a), the Club may affect and maintain other insurance.

Funds - Source

- 98.
- a. The funds of the Club shall be derived from entrance fees and annual subscriptions of Members, donations and, subject to any resolution passed by the Club in General Meeting, such other sources as the Committee determines.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

- b. All money received by the Club shall be deposited as soon as practicable and without deduction to the credit of the Club's Bank Account.
- c. The Club shall, as soon as practicable after receiving any money, issue an appropriate receipt upon request.

Funds - Management

99.

- a. Subject to any resolution passed by the Club in General Meeting, the funds of the Club shall be used in pursuance of the Objects of the Club in such manner as the Committee determines.
- b. All cheque/s, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two Members of those Committee members holding positions as listed under Authorized Signatories. being those authorized to do so.

Alteration of Objects and Constitution

100.

Subject to the prior written consent of Dogs NSW being first obtained, The Statement of Objects and Constitution may be altered, rescinded, or added to only by a Special Resolution of the Club.

Common Seal

101.

- a. The Common Seal of the Club shall be kept in the custody of the Public Officer
- b. The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two Members of the Committee or of one Member of the Committee and of the Public Officer or Secretary.

Financial Year

102. The Financial Year of the Club shall commence on the 1st day of July in each year and terminate on the 30th day of June in the following year.

Show Secretary

103. The Committee may appoint a Show Secretary and his duties shall be required for that position, provided that the Show Secretary shall keep in lieu of the Secretary the register and records requested to be kept pursuant to Rule 42 (b) & (e) respectively.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

Publicity Officer

104. The Members may appoint a Publicity Officer who shall adopt the editorial policy of Dogs NSW and his duties shall be determined by the Members in General Meeting.

Audit and Auditor

105.

- a. The Members at the Annual General Meeting shall appoint each year a duly qualified Auditor to be the Auditor of the Club and a person so appointed shall hold that Office until the next Annual General Meeting. A casual vacancy occurring in the position of Auditor shall be filled by the Committee.
- b. Notice of the nomination of any person other than a retiring Auditor for appointment as Auditor shall be given to the Members not less than fourteen (14) days before the Annual General Meeting at which the appointment of Auditor is to be made.
- c. A person shall not be appointed to act as Auditor of the Club:-
 - (i) if he is not a registered Auditor as defined by the Companies (NSW) Code; or
 - (ii) if he is an Office Bearer or a Member of the Committee or an employee of the Club.
 - (iii) A member of the Club

Patron

106. The Members at the Annual General Meeting may elect until otherwise determined by them not more than four (4) persons to be patrons of the Club who shall hold that office until the close of the next succeeding Annual General Meeting. A patron shall be entitled to attend a General Meeting of the Club and by invitation of the President to address the Members thereat, but unless he is a Member he shall not be entitled to enter into debate on any matter before the meeting or to vote thereat.

Club Journal

107. The Members in General Meeting by a resolution passed by a simple majority of those voting in person thereat may authorise the publication of Club Journal under such name and subject to such terms and conditions and containing such subject matter as the Members may determine as aforesaid from time to time being available on the Club website and/or sent by electronic media or post.

Shows and Trials

108. The Club may conduct from time to time (either alone or in conjunction with any other Club or body) in accordance with the Constitution and Regulations for the time being in force of the Dogs NSW, exhibitions, shows and obedience trials.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

Judges

109. The Members in General Meeting by a resolution passed by a simple majority of those voting in person thereat shall elect judges from amongst the persons for the time being enrolled on the judges' panels kept or who may be approved of by the Control who may be invited to officiate at such Obedience Trials. At least twenty-one (21) day's notice shall be given to the Members of the intention to elect judges at such General Meetings and the notice shall specify the shows for which such judges are to be appointed.

Records and Accounts

110.

a.

The Committee shall keep or cause to be kept true accounts of all monies received, of all payments made by or on behalf of the Club and of all assets and liabilities, the manner in which income and expenditure of the Club has been dealt with which at all times shall show the true financial position of the Club.

b.

Except as otherwise provided by these Constitution, 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 Club.

Execution of Documents

111. The Club may execute a document without using a common seal if the document is signed by two (2) of its authorised signatories.

Inspection of Books

112. The records, books and other documents of the Club shall be open to inspection, free of charge, by a Member of the Club at any reasonable hour.

Service of Notices

113.

a.

Except as otherwise provided by these Constitution, a notice may be served by or on behalf of the Club upon any Member either personally, by email, or by sending it by post to the Member at the member's address shown in the Register of Members.

b.

Except as otherwise provided by this Constitution where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these Constitution to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

Regulations

114.

Subject to the Objects and Constitution, Members in General Meeting by resolution passed by a simple majority and voting in person may make Regulations and may from time to time amend such Regulations by variation, deletion or addition as they shall think fit in respect of:

- a. nominations of members;
- b. the conducting of ballots;
- c. the holding and conducting of Obedience Trials by the Club;
- d. the granting of awards and prizes at such Obedience Trials;
- e. the manner and procedure dealing with protests and objections made at Obedience Trials;
- f. meetings of Members and of Committees;
- g. the publication of a newsletter or journal.

115.

The regulations shall be read and construed subject to the provisions for the time being of the Constitution of the Club, and of the Articles of Association and Regulations of Dogs NSW

Property

116.

The property assets and income of the Club whensoever derived shall be applied towards the promotion of the object of the Club and no portion thereof shall be paid or transferred either directly or indirectly by way of dividend bonus or otherwise by way of profit to members of the Club provided however that nothing therein contained shall prevent the payment in good faith of any remuneration to an officer or employee of the Club or to a member in return for services actually rendered nor prevent the payment of interest on monies borrowed by the Club from any member nor prevent the giving or presentation of prize, trophies or prize money at an Obedience Trial or exhibition by the Club or at an organized show conducted by another Club or Associated body.

Winding Up of the Club

117.

If for any reason the Club cannot continue to function as an Association under the Act, notice shall be given to all financial members of a meeting to be convened with a motion stating that the Club is to wind up its affairs and cease functioning. Surplus funds shall not be dispersed unless:

- a. A majority of seventy-five percent (3/4) of those persons at the meeting vote in favor of the motion to wind up the Club and to disperse surplus funds
- b. All known debts have been paid and
- c. Notification of the meeting and the vote in favour by the members has been

Constitution of the Eastern Suburbs Dog Training Club of New South Wales Inc.

forwarded to the Board requesting permission to wind up the Club within the Regulations of Dogs NSW for the time being in force.