

AUSTRALIAN CARRIAGE DRIVING SOCIETY INC



RULES & REGULATIONS

ACDS Rules and Regulations are published in two sections:

Book 1 – ACDS Constitution

Book 2 – ACDS Bylaws

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Federal President ACDS

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BOOK 1: RULES AND REGULATIONS

THE AUSTRALIAN CARRIAGE DRIVING SOCIETY INC.

RULES

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**AUSTRALIAN CARRIAGE DRIVING SOCIETY INC.
RULES**

PART I - PRELIMINARY

1. Interpretation

1.1 In these rules and in the by-laws, unless a contrary intention appears:

'ACDS' means the Australian Carriage Driving Society Incorporated;

'Act' means the Associations Incorporation Act 1991 (ACT);

'Branch' means the branch of the ACDS in each state or territory

'Council' means the Council of the ACDS constituted in accordance with clause 15.1;

'Deemed Member' means a person deemed to be a member of the ACDS pursuant to clause 3.10;

'Executive Sub-Committee' means the committee elected pursuant to clause 24.1;

'Financial Year' means the year ending on 30 April;

'Honorary Life Member' means a person elected as an Honorary Life Member pursuant to clause 3.6;

'Jury' means the persons described as such in respect of any show or event conducted by the ACDS or any Branch of the ACDS or purportedly under the auspices of the ACDS;

'Local Club' means an organisation recognised as such by the Council and in which:

- a) the objectives are similar to those of the ACDS,
- b) the constitution and rules:
 - i) subject to compliance with the act of parliament in the state or territory of Australia where the Branch is located, contain, a provision that in the event of any inconsistency between the rules of the Local Club and the rules of the ACDS, the latter shall prevail, and
 - ii) provide for such, other matters as the Council may from time to time require; and
- c) there are at all times at least sufficient Members to comply with the requirements for ongoing incorporation as an incorporated association in the state or territory of Australia where the Local Club is incorporated.

'Member' means a person who has been admitted to membership of the ACDS; pursuant to clause 4 and in respect of whom all monies payable on account of membership subscription have in fact been paid to the Principal Local Club and includes an Honorary Life Member;

'Membership Year' means the year from 1 September to 31 August.

'Office Bearers' means the President, Vice President, Secretary and Treasurer

'Ordinary Council Member' means a Member of the Council who is not an office bearer of the ACDS as referred to in clause 15.2;

'President' means the person holding office under these rules as President of the ACDS;

'Principal Local Club' means the local club described as such and referred to in clause 4.2;

'Register of Members' means the register required to be maintained by the ACDS of Members pursuant to the Act;

'Regulations' means the Associations Incorporation Regulations (ACT)

'Rules' means the Rules of the ACDS as in force from time to time;

'Secretary' means the person holding office under these rules as Secretary of the ACDS or, where no such person holds that office, the public officer of the ACDS;

'Technology' includes radio, telephone, closed circuit television or other electronic means or telecommunications device for audio or audio-visual communication, written document, facsimile transmission, email or other means of communication, as determined by the Council from time to time to be appropriate.

'Territory' means the Australian Capital Territory, a territory of Australia.

'Treasurer' means the person holding office under these rules as Treasurer of the ACDS;

'Vice-President' means the person holding office under these rules as Vice-President of the ACDS

1.2 In these rules and in the by-laws:

- 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 power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.

1.3 The provisions of the Interpretation Act 1967 (ACT) 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.

PART II - OBJECTIVES OF THE ACDS

2. *The Objectives of the ACDS* are to:

- 2.1 encourage and promote the driving of horses and ponies;
- 2.2 educate persons interested in horse and pony driving;
- 2.3 promote and offer education in respect of the building and restoration of horse drawn vehicles;
- 2.4 provide for the education and training of officials for the various activities of the ACDS;
- 2.5 set up and maintain a national scheme of accreditation for persons to teach driving at all levels;
- 2.6 promote and encourage competitive and non-competitive driving events and activities;
- 2.7 apply rules to the sport of combined driving;
- 2.8 setup and maintain a register of harness horses and ponies within Australia;
- 2.9 act as a supreme governing body for all clubs, associations and like organisations in Australia interested in carriage driving;
- 2.10 encourage and assist the setting up and administration of Local Clubs;

- 2.11 cooperate with, assist and affiliate with kindred organisations;
- 2.12 to pay or apply (including by donation) the funds of the ACDS for any purpose conducive to the attainment of any of the foregoing objectives;
- 2.13 to seek grants and donations from Government and private bodies for the promotion of the objectives of the ACDS;
- 2.14 make bylaws in relation to any matter or item within, or related to the rules or activities of the ACDS;
- 2.15 encourage the development of international driving in Australia, assisted with support by affiliations with appropriate organisations which may include the Equestrian Federation of Australia.

PART III – MEMBERSHIP

3. *Classes of Membership*

3.1 The ACDS has approved the following classes of membership:

- a) Single membership
- b) Family membership
- c) Junior membership
- d) ~~Associate-Active Member (Non-Driving)~~ membership
- e) Honorary Life membership
- f) One Activity membership
- g) Constituent Schools membership
- h) Deemed membership
- i) ~~Officials membership~~

3.2 A person may be elected to the category of Single Member which is available to a person who has attained the age of 18 years.

3.3 Family Membership which is available to persons being either:

- i) the spouse, defacto spouse of a Member or one additional adult person (aged 18 years or over) in family or defacto relationship living at the same household (Family Member); or
- ii) ~~a child or grandchild of a Member who has not attained the age of 18 years (Family Junior Member); or~~
- iii) ~~a full-time student holding a student concession card who is no older than 25 years of age.~~

3.4 A person may be elected to the category of Junior Member which is available to a person who has not attained the age of 18 years and who is not the child of a Member. Junior Members will receive a copy of the ACDS journal and be able to drive at ACDS activities but will not have voting rights.

3.5 A person may be elected to the category of ~~Associate-Active Member (Non-Driving)~~ which is available to persons of any age who do not drive horses/ponies. ~~Active Member (Non-Driving)~~ ~~Associate-Members~~ will receive a copy of the ACDS journal; ~~but will not have voting rights or; but will not~~ be able to drive at ACDS activities.

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- 3.6 The Council may elect any Member who has been a Member for a substantial period of time and who has given distinguished service to the ACDS as an Honorary Life Member of the ACDS. A Member elected as a Honorary Life Member shall not be required to pay a subscription to the ACDS but will have voting rights and be able to drive and officiate at ACDS activities.
- 3.7 A person may be elected to the category of One Activity Membership who is a person that is interested in experiencing the ACDS's activities. A person in this category can apply for a One Activity Membership for a maximum of three times in any one Financial Year.
- 3.8 A family may be elected to the category of One Activity Membership who are persons who are interested in experiencing the ACDS's activities. A Family in this category can apply for a One Activity Membership for a maximum of three times in any one Financial Year. Family as defined in the Rules and Regulations.
- 3.9 Government recognised teaching schools may be elected to the category of Constituent Schools Membership upon application to the Council. persons covered by this class of membership will be a guardian (i.e. a person who would qualify for Single or Family membership) and up to five persons who satisfy the rules as Junior Members, and whose names are supplied.' The fee shall be the same as for a Family membership.
- 3.10 Subject to and at the entire discretion of the Council, persons in the categories described in clauses 3.1(a) to (g) who are not members of a Local Club may by resolution of the Council be Deemed Members of the ACDS for such period and subject to such terms and conditions as the Council may from time to time determine.

~~3.11 A person may be elected to the category of Officials membership. Officials membership may be paid direct to the Federal Treasurer on the form designated by Council from time to time. An Officials member does not need to be a member of a Local Club however, they must hold an official qualification with the ACDS to be eligible for this category of membership. Officials Members will receive a copy of the ACDS journal but will not have voting rights or be able to drive at ACDS activities.~~

~~3.123.11~~ Any person joining the ACDS for the first time after 1 March in a year be granted a membership until the end of the Membership Year in the calendar year after the calendar year that the person first joins the ACDS.

4. Membership Qualifications:

- 4.1 Subject to clause 3.4, a person is qualified to be a Member if he:
- a) has attained the age of 18 years;
 - b) is a Member of a Local Club; and
 - c) has been nominated for membership in accordance with these rules.
- 4.2 Where a person is a Member of more than one Local Club, then for the purpose of clause 4.1 (b) that person shall nominate the Local Club that they consider to be their Principal Local Club and the annual subscription payable in respect of that person upon their admission to membership of the ACDS shall be payable only through that Principal Local Club. Any other Local Clubs of which that person may be a Member shall be disregarded for all purposes under these Rules and membership thereof shall not carry any additional rights within the ACDS in respect of voting, participation, representation or otherwise howsoever.

5. Application for Membership

- 5.1 An application by a person for membership of the ACDS, or a renewal of a membership

- a) shall be made by the applicant in writing in such form as the Council may from time to time approve;
- b) shall be lodged with the secretary of a Local Club; and
- c) shall be accompanied by payment of the membership fee applicable to the Local Club and the annual membership subscription for the ACDS referred to in clause 10 and the fee charged by the Branch; and
- d) when an applicant for membership receives a receipt from the Local Club, they shall be deemed to be a Member of the ACDS until such time as the Local Club determines the application in accordance with clause 5.23

5.2 As soon as practicable after receiving an application for membership, or a renewal of a membership, the secretary of the Local Club shall refer the application or renewal to the committee of the Local Club which shall determine whether to approve or reject the application or renewal and record in the minutes of the meeting of the Local Club the names of applicants approved for membership of the ACDS.

5.3 Where the committee of the Local Club determines to approve an application for membership;

- a) the secretary of the Local Club shall as soon as practicable after that determination notify the ACDS Branch Secretary;
- b) the applicant shall become a Member of the ACDS with effect from the date of that determination, and
- c) the Branch secretary shall as soon as practicable after receiving notice from the secretary of the Local Club enter the applicants name in the register of Members.

5.4 Where the Local Club rejects an application for membership or a renewal of a membership, the Local Club shall not be required to provide reasons for the rejection.

5.45.5 Upon admission to membership of the ACDS, a Member shall be deemed to have agreed to be bound by and strictly adhere to the Rules and by-laws of the ACDS as amended from time to time.

6. **Deemed Membership**

6.1 A deemed Member may attend general meetings of the ACDS, be elected or appointed to sub committees but only those members in clauses 3.1 (a), 3.1 (b), 3.1 (d) and 3.1 (e) shall be entitled to vote.

7. **Membership Entitlements Not Transferable**

7.1 A right, privilege or obligation which a person has by reason of being a Member of the ACDS:

- a) is not capable of being transferred or transmitted to another person; and
- b) terminates upon cessation of the person's membership.

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8. Cessation of Membership

- 8.1 A person ceases to be a Member of the ACDS if the person:
- a) dies:
 - b) resigns from membership of the ACDS:
 - c) is expelled from be ACDS; or
 - d) fails to pay any monies due by the Member to the ACDS.
- 8.2 A person also ceases to be a Member of the ACDS ~~if the annual subscription in respect of their membership is not paid to their Local Club by on~~ 31 August in each calendar year.
- 8.3 The name of a person who has ceased to be a Member pursuant to clauses 8.1 or 8.2 shall be forthwith removed from the Register of Members by the Secretary.

9. Resignation of Membership

- 9.1 A Member is not entitled to resign from membership of the ACDS except in accordance with this rule.
- 9.2 A Member who has paid all amounts payable by the Member to the ACDS may resign from membership of the ACDS by first giving not less than one months notice in writing to the Secretary of the Member's intention to resign and, upon the expiration of the period of notice, the Member ceases to be a Member.
- 9.3 Where a person ceases to be a Member, the Secretary shall make on appropriate entry in the register of Members recording the date on which the Member ceased to be a Member.
- 9.4 In the case where a Member ceases to be a member of the ACDS pursuant to either clauses 8.2 or 9.2, the Member will not be refunded any part of their membership fee.

10. Fees, Subscriptions, Etc.

- 10.1 The annual membership subscription shall be such amount as may be determined from time to time by resolution of the ACDS at the Annual General Meeting and is payable by 31 August in each year.
- a) Where a person does not renew their membership by 31 August, the person ceases to hold any membership rights. Upon the person complying with the requirements of Clause 5, the person's membership rights are reinstated from the date referred to in Clause 5.1(d) until the end of the current Membership Year.
- a)b) ~~Subject to Rule 3.11 and notwithstanding any other Rules, where a person renews their membership prior to 31 August in each year, the renewal of the membership will be deemed to have occurred on 1 September of the year.~~
- 10.2 The annual membership subscription may be different for such particular categories, descriptions or classes of Members as the ACDS in Annual General Meeting may decide.

11. Members' Liabilities

The liability of a Member to contribute towards the payment of the debts and liabilities of the ACDS or the costs, charges and expenses of the winding up of the ACDS is limited to the amount, if any, unpaid by the Member in respect of membership of the ACDS as required by rule 10.

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12. Disciplining of Members

12.1 Where the Council is of the opinion that a Member has:

- a) persistently refused or neglected to comply with a provision of the Rules or By-Laws; or
- b) conducted themselves at any show or event in a violent aggressive, abusive, improper or offensive manner, or
- c) engaged in conduct that may reasonably be regarded as unsportsmanlike; or
- d) disobeyed or ignored any reasonable request by any judge, steward or official at any show or event;
- e) disobeyed or ignored any reasonable request from the Executive or the Council of the ACDS; the ACDS or any Member or any judge, steward or official at any show or event;
- f) published any unjust intemperate or unduly critical matter concerning the ACDS or any Member or any judge, steward or official at any show or event;
- g) offered any bribe or inducement to any judge, steward or official at or in connection with any show or event;
- h) engaged in any dangerous driving or has in any manner ill treated any horse;
- i) competed with a horse that is lame, exhausted or in distress or otherwise not reasonably fit for competition;
- j) been convicted of any offence relating to cruelty to any animal;
- k) persistently and wilfully acted in a manner prejudicial to the interests of the ACDS;
 - i) engaged in improper action in connection with driving;
 - ii) engaged in conduct prejudicial to the interests of driving;
- l) failed to discharge a just debt to, or incurred in connection with any activity of or service provided or arranged by, the ACDS;
- m) been found guilty by a Jury of an offence at a show or event, as referred to in the By-Laws;

the Council may by resolution:

- n) suspend the Member from such rights and privileges of membership of the ACDS as the Council may determine for a specified period; or
- o) suspend the Member and/or the horse involved from any future show or event or activity of the ACDS or of a Branch or a Local Club for such period of time not exceeding two years as the Council may determine;
- p) disqualify the Member and/or the horse involved from any show or event in which he or they have taken part (and such disqualification shall ipso facto result in the forfeiture of any award or prize received at or given in respect of the show or event question);
- q) impose such fine (not exceeding 20 times the then current annual subscription) on the Member as is considered appropriate; or
- r) expel the Member from the ACDS provided that a resolution pursuant to this clause 12.1 (r) for expulsion of a Member shall require two-thirds majority of persons present and voting.

12.2 Council may provisionally suspend the Member immediately from such rights and privileges of membership of the ACDS as the Council may determine for a specified period.

a) The provisional suspension must be a resolution and confirmed by two-thirds majority present and voting.

b) The Secretary shall, as soon as practicable, cause a notice in writing to be served on the Member, setting out the resolution of the Council and the grounds on which it is based; and

c) Any time served under a provisional suspension is to be taken from any suspension given under clause 12.1 (n) and (o).

12.212.3 A resolution of the Council under clause 12.1 is of no effect unless the Council, at a meeting held not earlier than 14 days and not later than 28 days after service on the Member of a notice under clause 12.43, confirms the resolution by a two-thirds majority present and voting.

12.312.4 Where the Council passes a resolution under clause 12.1, the Secretary shall, as soon as practicable, cause a notice in writing to be served on the Member;

- a) setting out the resolution of the Council and the grounds on which it is based;
- b) stating that the Member may address the Council at a meeting to be held not earlier than 4-14 days and not later than 28 days after service of the notice;
- c) stating the date, place and time of that meeting; and
- d) informing the Member that the Member may do either or both of the following:
 - i) attend and speak at that meeting in person or by representative
 - ii) submit to the Council at or prior to the date of that meeting written representations relating to the resolution.

12.412.5 Subject to compliance with the rules of natural justice, at a meeting of the Council mentioned in clause 12.24, the Council shall:

- a) give to the Member mentioned in clause 12.1 an opportunity to make oral representations;
- b) give due consideration to any written representations submitted to the Council by that Member at or prior to the meeting; and
- c) by simple majority resolution determine whether to confirm or to revoke the resolution of the Council made under clause 12.1.

12.512.6 Where the Council confirms a resolution under clause 12.54, the Secretary shall, within 7 days after that confirmation, by notice in writing inform the Member of that confirmation and of the Member's right of appeal under clause 13.

12.612.7 A resolution confirmed by the Council under clause 12.54 does not take effect:

- a) until the expiration of the period within which the Member is entitled to appeal against the resolution 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 ACDS confirms the resolution in accordance with clause 13.4.

13. *Right of Appeal of Disciplined Member*

13.1 A Member may appeal to the ACDS in General Meeting against a resolution of the

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Council which is confirmed under clause 12.4, within 7 days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.

- 13.2 Upon receipt of a notice under clause 13.1 the Secretary shall notify the Council which shall convene a general meeting of the ACDS to be held within 40 days after the date on which the Secretary received the notice or as soon as possible after that date

- 13.3 Subject to compliance with the rules of natural justice, at a General Meeting of the ACDS convened under clause 13.2:

- a) no business other than the question of the appeal shall be transacted;
- b) the Council and the Member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
- c) the Members present shall vote by secret ballot on the question of whether the resolution made under clause 12.4 should be confirmed or revoked

- 13.4 If the meeting passes a resolution of which two-thirds of those present in person vote in favour to confirm the resolution made under clause 12.4, that resolution is confirmed.

PART IV - THE COUNCIL

14. Powers of the Council

- 14.1 The Council, subject to the Act, the Regulations, these Rules, and to any resolution passed by the ACDS in general meeting:

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

- 14.2 All decisions of the Council shall, subject to the Rules, be final and binding on all Members.

15. Constitution and Membership of the Council

- 15.1 The Council shall consist of:

- a) the office bearers of the ACDS; and in addition
- b) one Ordinary Council Member elected by and representing each Branch of the ACDS.

- 15.2 The office bearers of the ACDS shall be:

- a) the President,
- b) the Vice-President;
- c) the Treasurer and
- d) the Secretary,

each of whom shall be elected annually at the Annual General Meeting as hereafter provided.

- 15.3 Each office bearer shall, subject to these Rules, hold office until all office bearers' positions are declared vacant at the Annual General Meeting following the date of the Member's election, but is eligible for re-election, subject to clause 16. The new office bearers shall take up their positions immediately upon their election.
- 15.4 In the event of a vacancy in the office bearers of the ACDS, the Council shall appoint another Member of the Council 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.
- 15.5 a) In the event of a vacancy in the Ordinary Council Member representing a Branch, the Branch concerned shall in accordance with its own procedures elect or appoint another Member to fill the vacancy and that Member shall hold office, subject to the Rules, until the conclusion of the Annual General Meeting next following the date of appointment
- b) In the event of the Branch failing within 60 days to elect or appoint another Member to fill such a vacancy, the Council of the ACDS may do so by appointing a Member of a Local Club within the Branch concerned to fill the vacancy until the conclusion of the Annual General Meeting next following the date of the appointment.

16. Election of Office Bearers

- 16.1 Nominations of candidates for election as office bearers of the ACDS:
- a) shall be made in writing, signed by two Members of the ACDS and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
- b) shall be delivered to the Secretary of the ACDS by the 15th day of April and the candidates' names, complete with their resumes, shall be circulated in the June News Journal.
- 16.2 A candidate for election as an office bearer of the ACDS must be a financial Single or Family Member.
- 16.3 If insufficient nominations are received to fill all vacancies in the office bearers, the candidate nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- 16.4 If insufficient further nominations are received, any vacant positions remaining in the office bearers shall be deemed to be vacancies.
- 16.5 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
- 16.6 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- 16.7 The ballot for the election of office bearers shall be conducted at the Annual General Meeting in such manner as the Council may direct.
- 16.8 A person is not eligible to simultaneously hold more than one position on the Council.
- 16.9 A person may not hold office as president for more than three consecutive years and thereafter is ineligible for election as president for a period of one year.

16.10 A person may not hold office as Vice-President or Treasurer for more than five consecutive years and thereafter is ineligible for election as any such office bearer for a period of one year. There is no term limit applicable to the position of Secretary.

16.11 The Council may co-opt any person, whether or not a Member of the ACDS, to assist the Council in relation to any matter and any such person may attend meetings of the Council but may not vote thereat.

17. Election of Ordinary Council Member

17.1 Each Branch of the ACDS shall prior to the Federal Annual General Meeting elect from amongst the Members of the Local Clubs constituting the Branch, one person who is a financial Member of the ACDS to be an Ordinary Council Member representing that Branch on the Council.

17.2 The persons elected by the Branch shall be:

- a) one of the principal officers of the Branch; or
- b) a Branch committee Member or person who has had previous Council or Branch experience.

17.3 Ordinary Council Members elected pursuant to this rule shall commence to hold office as such from the conclusion of the next ensuing Annual General Meeting of the ACDS until the conclusion of the second such Annual General Meeting following their election.

17.4 Procedures for the election of Ordinary Council Members by Branches shall be as each Branch may from time to time require, provided that at all times each Member of each Local Club within a Branch shall be entitled to vote in any such election.

17.5 Each Branch of the ACDS may appoint a person to act as that Branch's alternate Ordinary Council Member representing that Branch on the Council. The alternate Ordinary Council Member shall represent the Branch if the Ordinary Council Member is unable to fulfil their duties and shall have all of the power and entitlements, including the entitlement to vote at Council meetings, as the Ordinary Council Member.

18. Secretary / Public Officer

18.1 The Secretary of the ACDS shall, as soon as practicable after being appointed as Secretary, notify the ACDS of their address,

18.2 The Secretary shall keep minutes of:

- a) all elections and appointments of office bearers;
- b) the names of Ordinary Council Members of the Council present at a Council meeting or a general meeting; and
- c) all proceedings at Council meetings and general meetings.

18.3 Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

18.4

- a) if the Secretary is eligible to be the public officer of the ACDS under the Act, the Secretary shall be the public officer of the ACDS,
- b) if the Secretary is not eligible to be the public officer of the ACDS, the Council shall appoint a person who has attained the age of 18 years and is a resident of the Australian Capital Territory as the public officer of the ACDS.

18.5 The Secretary shall be responsible for maintaining a Register of Members.

19. Treasurer

The Treasurer of the ACDS shall:

- 19.1 collect and receive all moneys due to the ACDS and make all payments authorised by the ACDS; and
- 19.2 keep correct accounts and books showing the financial affairs of the ACDS with full details of all receipts and expenditure connected with the activities of the ACDS.

20. Vacancies

For the purpose of these rules, a vacancy in the office of an office bearer, public officer or member of the Council occurs if the Member:

- a) dies;
- b) is not a financial member of the ACDS at 1 September of the applicable year
- c) ceases to be a Member of the ACDS;
- d) resigns the office;
- e) is removed from office pursuant to rule 21;
- f) becomes bankrupt or personally insolvent;
- g) is disqualified from office under subsection 63(1), 63A or 64(2) of the Act; or
- h) is absent without the consent of the Council for two consecutive meetings of the Council.

21. Removal of Council Members

The ACDS in general meeting may by resolution, subject to compliance with the rules of natural justice, remove any Member of the Council from the office of Member of the Council before the expiration of the Member's term of office.

22. Council Meetings and Quorum

- 22.1 The Council shall meet at least two times in each calendar year at such place and time as the Council may determine.
- 22.2 Additional meetings of the Council may be convened by the Secretary on the instruction of the president (or vice-president in the event that the president is overseas or has been granted a leave of absence) or by any four Members of the council.
- 22.3 Oral or written notice of a meeting of the Council shall be given by the Secretary to each Ordinary Council Member of the Council:
 - a) in the case of a non-urgent meeting, at least 21 days
 - b) in the case of an urgent meeting, at least seven days (or in each case such other period as may be unanimously agreed upon by the Members of the Council) before the time appointed for the holding of the meeting.
 - c) the requirements as at 22.4.

- 22.4 Notice of a meeting given under clause 22.3 shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which 90% of the Council Members present at the meeting agree to treat as urgent business.
- 22.5 Any seven Members of the Council constitute a quorum for the transaction of the business of a meeting of the Council.
- 22.6 No business shall be transacted by the Council unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same places and at the same hour of the same day in the following week.
- 22.7 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- 22.8 At meeting of the Council:
- a) the President or in the absence of the President, the Vice-President shall preside; or
 - b) if the President and the Vice-President are absent, one of the remaining Members of the Council shall be chosen by the Members present to preside.
- 22.9 Without limiting the discretion of the Council to regulate their meetings under clause 22.1, the Council may, if they think fit, confer by any Technology.
- 22.10 Notwithstanding that the Council are not present together in one place at the time of the conference, a resolution passed by the conference will be deemed to have been passed at a meeting of the Council held on the day on which and at the time at which the conference was held.
- 22.11 The provisions of these clauses relating to proceedings of Council apply to the conference to the extent that they are capable of applying, and with the necessary changes.
- 22.12 A Council Member present at the commencement of the conference will be conclusively presumed to have been present and, subject to other provisions of the Rules to have formed part of the quorum throughout the conference.
- 22.13 Any minutes of a conference of the type referred to in clause 22.9 purporting to be signed by the chairperson of that conference or by the chairperson of the next succeeding meeting of Council will be sufficient evidence of the observance of all necessary formalities regarding the convening and conduct of the conference.

When, by the operation of clause 22.9, a resolution is deemed to have been passed at a meeting of the Council Members, that meeting will be deemed to have been held at such place as is determined by the chairperson of the relevant conference, provided that at least one of the Council Members who took part in the conference was at that place for the duration of the conference.

If all of the Council Members have signed a document containing a statement that they are in favour of a resolution of the Council in terms set out in the document, a resolution in those terms will be deemed to have been passed at a meeting of the Council held on the day on which and at the time at which the document was last signed by a Council Member.

For the purposes of this clause 22.13:

- (i) 2 or more separate documents containing statements in identical terms each of which is signed by one or more Council members will together be deemed to constitute one document containing a statement in those terms signed by the

Council Members;

- (ii) a reference to all the Council Members does not include a reference to a Council Member who, at a meeting of the Council, would not be entitled to vote on the resolution, and;
- (iii) any document so signed by a Council Member may be received by the Secretary (or other place agreed by the Council Members) by post, by facsimile or other Technology which displays the Council Member's signature or by delivery (personal or otherwise).

22.14 Notwithstanding anything in clause 22, where a motion is circulated by email, clause 25 shall apply to any decisions and votes made or carried out via email.

23. Delegation by Council to Sub-Committees

23.1 The Council may, by resolution delegate to one or more sub-committees consisting of such Member or Members of the ACDS as the Council thinks fit, the exercise of such of the functions of the Council as are specified in the resolution, other than:

- a) this power of delegation; and
- b) a function which is a function imposed on the Council by the Act, by any other law of the Territory, or by resolution of the ACDS in general meeting.

23.2 A function, the exercise of which has been delegated to a sub-committee under this clause may, whilst the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

23.3 A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

23.4 Notwithstanding any delegation under this clause, the Council may continue to exercise any function delegated.

23.5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Council.

23.6 The Council may, by instrument in writing, revoke wholly or in part any delegation under this clause.

23.7 A sub-committee may meet and adjourn, as it thinks proper.

23.8 Any two members of a sub-committee shall constitute a quorum at a meeting of the sub-committee.

24. Executive Sub-Committee

24.1 There shall be a sub-committee of the Council comprising the office bearers of the ACDS and known as the Executive Sub-Committee.

24.2 The Executive Sub-committee shall deal with routine business between meetings of the Council and shall report all decisions to the next ensuing Council meeting.

24.3 Any three members of the Executive Sub-Committee shall constitute a quorum at a meeting of the Executive Sub-Committee, provided that a decision agreed by all members of the Executive Sub-Committee by means of telephonic or facsimile communication to the President or the Secretary shall be a valid and effective decision as if the meeting had actually taken place.

25. Voting and Decisions

- 25.1 Questions arising at a meeting of the Council or of any sub-committee appointed by the Council shall be determined by a majority of the votes of members of the Council or members of the sub-committee present at the meeting.
- 25.2 At a meeting of the Council:
- a) each office bearer shall be entitled to one vote and each Ordinary Council Member representing each Branch shall be entitled to one vote at any Council meeting.
- 25.3 Each member present at a meeting of any sub-committee appointed by the Council and at the Executive Sub-Committee is entitled to one vote.
- 25.4 In the event of an equality of votes on any question at a meeting of the Council or of any sub-committee or the Executive Sub-Committee, the person presiding may exercise a second or casting vote.
- 25.5 Subject to clause 22.5, the Council may act notwithstanding any vacancy on the Council.
- 25.6 Any act or thing done or suffered, or purporting to have been done or suffered, by the Council or by a subcommittee appointed by the Council, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Council or sub-committee.

PART V - GENERAL MEETINGS

26. Annual General Meetings

- 26.1 The Annual General Meeting of the ACDS shall, subject to the Act, be convened in June or July and at such place and time as the Council thinks fit.
- 26.2 Council may convene the Annual General Meeting either entirely as an in-person meeting or by the use of Technology or as a hybrid in-person and telecommunications meeting.
- 26.3 An Annual General Meeting may be held at 2 or more venues using any technology approved by Council that gives each of the ACDS' members a reasonable opportunity to participate.
- 26.4 A member of the ACDS' who participates in an Annual General Meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.
- 26.5 In addition, to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:
- a) to confirm, the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
 - b) to receive from the Council reports on the activities of the ACDS during the last preceding Financial Year;
 - c) to elect the Office Bearers,
 - d) to receive and consider the statement of accounts and the reports that are required to be submitted to Members pursuant to subsection 373(l) of the Act; and
 - e) to set the annual membership subscription, as required by clause 10.
- 26.6 An Annual General Meeting shall be specified as such in the notice convening it in accordance with clause 28.

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~~26-426.7~~ An Annual General Meeting shall be conducted in accordance with the provisions of clause 29.

27. Calling of General Meetings

~~27.1~~ The Council may, whenever it thinks fit, convene a General Meeting of the ACDS.

~~27.2~~ Council may convene the General Meeting either entirely as an in-person meeting or by the use of Technology or as a hybrid in-person and telecommunications meeting.

~~27.3~~ A general meeting may be held at 2 or more venues using any technology approved by Council that gives each of the ACDS' members a reasonable opportunity to participate.

~~27.4~~ A member of the ACDS' who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

~~27.1~~

~~27-227.5~~ The Council shall, on the requisition in writing of not less than 20 Members, convene a General Meeting of the ACDS.

~~27-327.6~~ A requisition of Members for a general meeting:

- a) shall state the purpose of purposes of the meeting,
- b) shall be signed by the 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,
- e) may be in electronic form, and
- f) a signature may be transmitted, and a requisition may be lodged, by electronic means.

~~27-427.7~~ If the Council fails to convene a General Meeting within 60 days after the date of which a requisition of Members for the meeting is lodged with the Secretary, any one or more of the Members who made the requisition may convene a General Meeting to be held not later than three months after that date.

~~27-527.8~~ A General Meeting convened by a Member or Members referred to in clause 27.4 shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Council and any Member who thereby incurs expense is entitled to be reimbursed by the ACDS for any reasonable expense so incurred.

28. Notice

28.1 The Secretary shall, at least 30 days before the date fixed for the holding of a general meeting, cause to be sent by pre-paid post to each Member at the Member's address appearing in the Register of Members, or by email, or by posting on the ACDS website, or by advertisement in a national newspaper, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

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- 28.2 If the business proposed to be dealt with at a General Meeting requires a special resolution of the ACDS, the Secretary shall cause the notice ~~sent~~ provided to each Member as provided in clause 28.1 to specify, in addition to the matter required under that clause, the intention to propose the resolution as a Special Resolution.
- 28.3 No business other than that specified in the notice convening the General Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to clause 26.2.
- 28.4 A Member desiring to bring any business before a General Meeting may give notice in writing 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.

29. General Meetings - Procedure and Quorum

- 29.1 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 that item.
- 29.2 Twenty (20) 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.
- 29.3 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 same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to Members given before the day to which the meeting is adjourned) at the same place
- 29.4 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 20) shall constitute a quorum

30. Presiding Member

- 30.1 The President, or in the absence of the President, the Vice-President, shall preside at each General Meeting of the ACDS.
- 30.2 If the President and the Vice-President are absent from the meeting or are unwilling to act, the Members of the Council present shall elect one of their number to preside at the meeting.

31. Adjournment

- 31.1 The person presiding at 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.
- 31.2 Where a general meeting is adjourned for 14 days or more, the Secretary shall give written notice of the adjourned meeting to each Member of the ACDS by mail, by email, by posting on the ACDS website or by advertisement in a national newspaper stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 31.3 Except as provided in clauses 31.1 and 31.2, notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

32. Making of Decisions

- 32.1 A question arising at a general meeting of the ACDS shall be determined on a show of hands or by electronic vote and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands or by electronic vote, been carried or carried unanimously or carried by a particular majority, or lost, or an entry to that effect in the minute book of the ACDS evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 32.2 At a general meeting of the ACDS, a poll may be demanded by the person presiding or by not less than three Members present in person or by proxy at the meeting.
- 32.3 Where the poll is demanded at a general meeting, the poll shall be taken:
- immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

33. Special Resolution

A special resolution shall require to be passed by at least three-quarters of the Members present, who, being entitled to vote, vote pursuant to clause 34.2.

34. Voting

- 34.1 Subject to clause 34.3, upon any question arising at a general meeting of the ACDS a Member has one vote only.
- 34.2 All votes shall be given personally, by postal vote or by proxy.
- 34.3 In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- 34.4 A Member is not entitled to vote at any general meeting of the ACDS unless all money due and payable by the Member to the ACDS on any account whatsoever has been paid.
- 34.5 Each Member shall be entitled to appoint another Member as proxy by notice given to the Secretary before the scheduled time of commencement of the meeting in respect of which the proxy is appointed. The notice appointing the proxy shall be in the form set out in schedule 2 of these rules.

35. Postal Voting

35.1 Rule 35.3 to 35.7 shall only apply to in-person Annual General Meetings and general meetings.

35.2 Where an electronic voting is used for an Annual General Meeting or general meeting, the Council will determine the process to be used taking into account the principles in Rule 34.

35.135.3 Each Member shall be entitled to make use of postal or proxy voting in the election of the Office Bearers of the ACDS and in dealing with Notices of Motions as circulated for annual general meetings and general meetings.

35.235.4 Election of Office Bearers

- A ballot paper, initialled by hand or mechanical means by an ACDS Member appointed by Council shall be sent to all Single Members, Family Members over

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the age of 18 years and Honorary Life Members with the notice of the annual general meeting giving in alphabetical order the names of Members duly nominated as candidates and the vacancies to be filled.

- b) Any Member wishing to exercise their right to vote should do so by indicating with a mark on the ballot paper beside the name of the candidate of their choice and return the marked ballot paper to the Secretary no later than seven (7) days prior to the commencement time of the annual general meeting in the envelope provided endorsed with the Members signature and membership number.

35.335.5 Notices of Motions

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- a) A ballot paper, initialled by hand or mechanical means by an ACDS Member appointed by Council shall be sent to all Single Members, Family Members over the age of 18 years and Honorary Life Members with the notice of the annual general meeting setting out the notices of motions to be considered at the annual general meeting or general meeting.
- b) Any Member wishing to exercise their right to vote should do so by indicating with a mark on the ballot paper beside the Yes/No box. The completed ballot paper shall be returned to the Secretary not later than seven (7) days prior to the commencement time of the annual general meeting or general meeting in the envelope provided endorsed with the Members signature and membership number.

35.435.6 Counting of Votes.

- a) All ballot papers received shall be secured by the Secretary. Ballot papers are to be opened and counted prior to the commencement of the annual general meeting or general meeting by the Secretary or a Member appointed by the Council and all valid votes shall be recorded by the Secretary or the appointee and two (2) scrutineers appointed by the Council for that purpose.
- b) Votes cast by the ballot are to be added to the votes cast at the poll and the results are to be announced at the annual general meeting or general meeting.
- c) At the conclusion of the annual general meeting all ballot papers and polling papers shall be destroyed.

PART VI - BRANCHES

36. Branches

- 36.1 A Branch of the ACDS shall comprise the Local Clubs in the geographic areas designated in the by-laws.
- 36.2 Each Branch shall formulate its own rules for the conduct of its affairs provided that such rules:
 - a) shall provide for a Branch committee comprising at least a chairman, vice-chairman, a secretary and a treasurer, elected at a branch annual general meeting at which all Members of all Local Clubs within the Branch area are entitled to attend and vote;
 - b) shall not provide for the discipline of Members, to the intent that all discipline of Members of the ACDS shall be pursuant to clause 12 of these Rules and all discipline of Members of a Local Club in their capacity as such Member shall be dealt with pursuant to the rules of the Local Club concerned.
 - c) shall subject to compliance with the act of parliament in the state or territory of Australia where the Branch is located, not conflict with, any of the Rules of the

ACDS and shall contain a provision that in the event of any inconsistency between the rules of the Branch and the Rules of the ACDS, the latter shall prevail, and

- d) shall provide for such other matters as the Council may from time to time by by-law require.

36.3 Notwithstanding clause 36.2, the rules of the Branch shall comply with the laws of the relevant state or territory of Australia where the Branch is located and in the case of any inconsistency between the Rules of the ACDS and the laws of the relevant state or territory of Australia where the Branch is located, the latter will prevail.

PART VII - MISCELLANEOUS

37. Funds Source

37.1 The funds of the ACDS shall be derived from entrance fees and annual subscriptions of Members, donations and, subject to any resolution passed by the ACDS in general meeting and subject to section M of the Act such other sources as the Council determines.

37.2 All money received by the ACDS shall be deposited as soon as practicable and without deduction to the credit of the ACDS bank account.

37.3 The ACDS shall, as soon as practicable after receiving any money, issue an appropriate receipt.

38. Funds – Management

38.1 Subject to any resolution passed by the ACDS in General Meeting the funds of the ACDS shall be used in pursuance of the objectives of the ACDS in such manner as the Council determines.

38.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable Instruments shall be signed by any two office bearers of the ACDS, being office bearers authorised to do so by resolution of the Council,

39. By-Laws

39.1 The by-laws of the ACDS at the date of adoption of these Rules shall be those set out in Schedule 1.

39.2 The power to make, amend and repeal by-laws is vested in the Council.

39.3 Any by-law of the ACDS, whether contained in Schedule 1 or made by the Council after the adoption of these rules, may be amended or repealed at an Annual General Meeting of the ACDS by a simple majority of those present and entitled to vote, pursuant to clause 34.2.

40. Audit

40.1 The Council shall be responsible for ensuring that the books and financial records of the ACDS are audited prior to the Annual General Meeting each year and otherwise in compliance with the Act.

40.2 Subject to the Act, the auditor to be appointed by the Council shall be such duly qualified person as the Council may from time to time provide but they shall not be a Member of a Local Club.

40.3 The auditors report shall be presented to the Annual General Meeting of the ACDS.

41. Alteration of Objectives and Rules

Neither the objectives of the ACDS referred to in section 29 of the Act, nor these rules shall be altered except pursuant to a special resolution and otherwise in accordance with the Act.

42. Common Seal

- 42.1 The common seal of the ACDS shall be kept in the custody of the Secretary.
- 42.2 The common seal shall not be affixed to any instrument except by the authority of the Council and the affixing of the common seal shall be attested by the signatures either of two members of the Council or of one member of the Council and the Secretary.

43. Indemnity

- 43.1 Every member of the Council of the ACDS, every member of the ACDS and every employee and agent of the ACDS shall be indemnified by the ACDS against, and it shall be the duty of the Council out of the funds of the ACDS to pay, all damages, costs, losses and expenses which any such person may incur or in respect of which he may become liable by reason of any contract entered into or any act or thing done (whether negligently or otherwise) by him as such Member, employee or agent or in any way in the performance of his duties including travelling expenses, unless such damages, costs, losses and expenses shall have been incurred by such person through his own dishonesty, wilful act, or default.
- 43.2 No member of the Council of the ACDS, Member of the ACDS or other employee or agent of the ACDS shall be liable for the acts, receipts, neglects or defaults of himself or any other person or for loss, damage or expense howsoever arising as the result of any act, omission or default of any person, (including himself) or for any loss occasioned by any error of judgment or oversight or neglect on his part or for any other loss or damage whatsoever which shall happen in the performance of his duties or in relation thereto unless the same shall happen in the performance of his duties through his own dishonesty, wilful act or default.

44. Custody of Books

Subject to the Act, the Regulations and these Rules, the Secretary or Treasurer shall keep in his or her custody or under his or her control all records, books, and other documents relating to the ACDS.

45. Inspection of Books

The records, books and other documents of the ACDS shall be available for inspection at such place as Council may from time to time reasonably determine, free of charge, by a Member of the ACDS at any reasonable hour.

46. Service of Notices

- 46.1 For the purposes of these rules, a notice may be served on or on behalf of the ACDS upon any Member either personally or by sending it by post to the Member at the Members address shown in the Register of Members.
- 46.2 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 be deemed for the purposes of these Rules to have been served on the person three days after posting.

47. Surplus Property

- 47.1 At the first general meeting of the ACDS held after the adoption of these rules, the ACDS shall pass a special resolution nominating –
- a) another association, for the purpose of paragraph 92 (1)(a) of the Act; or

- b) a fund, authority or institution for the purpose of paragraph 92(1)(b) of the Act, in which it is to vest its surplus property in the event of the dissolution or winding up of the ACDS.

47.2 An association nominated under rule 47.1(a) must fulfil the requirements specified in subsection 92(2) of the Act.