

COMMONWEALTH CLYDESDALE HORSE SOCIETY AUSTRALIA

(FEDERAL COUNCIL) INCORPORATED

Registered Association No: A0019631A



Statement of Purpose and Rules of Incorporation

2016

(Latest Update: 24th September)

INDEX

Rules	Page
1 Association Name and Definitions	4
1.1 Name.....	4
1.2 Definitions.....	4
2 Purposes	6
3 Financial Year	6
4 Powers of the CCHS	6
4.1 Roles and powers	6
4.2 Not for profit organisation	6
5 Membership	7
5.1 Who is eligible to be a member?	7
5.2 Minimum number of members.....	7
5.3 Members affiliated with a Branch.....	7
5.4 Application for membership	7
5.5 Consideration of application	7
5.6 New membership.....	8
5.7 Annual subscription and fee on joining.....	8
5.8 General rights of members	8
5.9 Junior Members.....	9
5.10 Life Members.....	9
5.11 Rights not transferable	9
5.12 Ceasing membership.....	9
5.13 Resigning as a member.....	9
5.14 Register of members.....	9
6 Branches	10
6.1 Branches of the CCHS	10
7 Disciplinary Action	10
7.1 Grounds for taking disciplinary action.....	10
7.2 Disciplinary subcommittee	10
7.3 Notice to member.....	11
7.4 Decision of subcommittee.....	11
7.5 Appeal rights.....	11
7.6 Conduct of disciplinary appeal meeting.....	12
8 Grievance Procedure	12
8.1 Application.....	12
8.2 Parties must attempt to resolve the dispute	13
8.3 Appointment of mediator.....	13

8.4	Mediation process	13
8.5	Failure to resolve dispute by mediation	13
9	General Meetings of the CCHS	13
9.1	What are general meetings?	13
9.2	Who may attend a general meeting?	13
9.3	Annual general meetings	14
9.4	Special general meetings	14
9.5	Special general meeting held at request of Branch Delegates.....	14
9.6	Notice of general meetings	15
9.7	Proxies	15
9.8	Quorum at general meetings	16
9.9	Adjournment of general meeting.....	16
9.10	Voting at general meeting	17
9.11	Special resolutions.....	17
9.12	Determining whether resolution carried.....	17
9.13	Minutes of general meeting.....	18
10	Powers of Council.....	18
10.1	Role and powers	18
10.2	Delegation	18
11	Composition of Council and Duties	19
11.1	Composition of Council.....	19
11.2	General Duties.....	19
11.3	Chairperson.....	20
11.4	Secretary.....	20
11.5	Treasurer.....	20
12	Election and Appointment of Council and Tenure of Office.....	21
12.1	Who is eligible to be a Councillor?	21
12.2	President and Vice Presidents – Nominations	21
12.3	President and Vice Presidents - Election.....	21
12.4	Secretary and Treasurer - Appointment.....	22
12.5	Branch Delegates - Appointment	22
12.6	Ballot	22
12.7	Term of Office	23
12.8	Vacation of office.....	24
12.9	Filling casual vacancies	24
13	Meetings of Council.....	24
13.1	Frequency and venue	24
13.2	Notice of meetings.....	24
13.3	Urgent meetings	25
13.4	Procedure and order of business	25

13.5	Quorum	25
13.6	Voting	25
13.7	Conflict of interest	26
13.8	Minutes of meeting	26
13.9	Leave of absence	26
14	Technology Use	26
14.1	Technology use at general and council meetings	26
15	Financial Matters	27
15.1	Source of funds	27
15.2	Management of funds	27
15.3	Financial records	27
15.4	Financial statements	28
16	General Matters	28
16.1	Common seal	28
16.2	Registered address	28
16.3	Notice requirements	28
16.4	Custody and inspection of books and records	29
16.5	Winding up and cancellation	29
16.6	Alteration of Rules	29
Appendix A		30

1 Association Name and Definitions

1.1 Name

- 1.1.1 The name of the incorporated association is: "Commonwealth Clydesdale Horse Society Australia (Federal Council) Incorporated".

Note: Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

1.2 Definitions

- 1.2.1 In these Rules the following meanings apply:

TERM	MEANING
------	---------

CCHS	Commonwealth Clydesdale Horse Society Australia (Federal Council) Incorporated, which is an incorporated association within the meaning of the Act
By-law	A rule of the CCHS detailed in its By-laws book
Branch	An incorporated association within the meaning of the Act who is appointed as a representative of this CCHS in one or more of the States of Australia
Branch Delegate	A member, who is not a junior member, elected by his/her Branch to serve on the CCHS Council under rule 6.1.4
Branch Affiliate	A CCHS member who has been allocated to a Branch
Absolute Majority of the Council	A majority of ALL Council members currently holding office and entitled to vote at the time. This is distinct from a majority of only the Council members present at a Council meeting
Junior member	A member referred to in rule 5.9
Chairperson of a general meeting or Council meeting	The person chairing the meeting as required under rule 11.3
Council	The committee of management required by the Act to manage the business of the CCHS under rule 10
Council meeting	A meeting of the Council held under rule 13
Council member	A member of the Council elected or appointed under rule 11
Councillor	A Council member
Disciplinary appeal meeting	A meeting of the members of the CCHS convened under rule 7.6
Disciplinary meeting	A meeting of the Council convened for the purposes of rule 7
Disciplinary subcommittee	The subcommittee appointed under rule 7.2
Financial year	The 12-month period specified in rule 3
General meeting	A general meeting of the members of the CCHS convened under rule 9 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting
Member	An individual person who is a member of the CCHS under rule 5
Special resolution	A resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution
The Act	The Associations Incorporation Reform Act 2012 and includes any regulations made under that Act
the Registrar	The Registrar of Incorporated Associations

2 Purposes

2.1 The purposes of the CCHS throughout Australia are:

- 2.1.1 To maintain the purity of the Clydesdale breed of horses, and to promote the breeding of these horses free from hereditary unsoundness.
- 2.1.2 To collect, verify, preserve and publish the pedigrees of Clydesdale horses.
- 2.1.3 To investigate suspicious or doubtful pedigrees of Clydesdale horses and other alleged misrepresentations relating to them, and to publish the results of such investigations at the discretion of the Council.
- 2.1.4 To arbitrate upon, investigate and settle disputes and questions relating to Clydesdale horses.
- 2.1.5 To promote, the interests of the Clydesdale breed, and the advancement of agriculture.
- 2.1.6 To educate Members and provide services to assist in the purposes of the CCHS.
- 2.1.7 To establish Branches to assist in the purposes of the CCHS.

3 Financial Year

The financial year of the CCHS is each period of 12 months ending on 30th June.

4 Powers of the CCHS

4.1 Roles and powers

- 4.1.1 Subject to the Act, the CCHS has power to do all things incidental or conducive to achieve its purposes.
- 4.1.2 Without limiting rule 4.1.1, the CCHS may:
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on any terms and in any manner as it thinks fit;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- 4.1.3 The CCHS may only exercise its powers and use its income and assets (including any surplus) for its purposes.

4.2 Not for profit organisation

- 4.2.1 The CCHS must not distribute any surplus, income or assets directly or indirectly to its members.
- 4.2.2 Rule 4.2.1, does not prevent the CCHS from paying a member:
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member;
 - (c) if this is done in good faith on terms no more favourable than if the member was not a member.

5 Membership

5.1 Who is eligible to be a member?

5.1.1 Anyone who supports the purposes and agrees to the rules of the CCHS.

5.2 Minimum number of members

5.2.1 The CCHS must have at least 5 members.

5.3 Members affiliated with a Branch

5.3.1 All members are allocated to a CCHS Branch and are thereby affiliated with that Branch but they are not separate members of the Branch.

5.3.2 The CCHS Council makes the allocation based on the State in which the member resides or as otherwise determined by the Council.

5.4 Application for membership

5.4.1 To apply to become a member of the CCHS, a person must submit a written application to the Secretary stating that the person:

- (a) wishes to become a member of the CCHS; and
- (b) supports the purposes of the CCHS; and
- (c) agrees to comply with the CCHS's rules.

5.4.2 The application:

- (a) must be signed by the applicant or guardian as applicable; and
- (b) may be accompanied by the joining fee (if any) determined by the CCHS under rule 5.7.

5.5 Consideration of application

5.5.1 As soon as practicable after a correct and complete application for membership is received, the Secretary must approve and process the application; however:

- (a) if for a reason other than incorrect or incomplete application, the Secretary believes the application should be rejected, the Secretary must inform the President and Vice Presidents immediately to determine whether the application should be rejected or approved;
- (b) if the President and Vice Presidents agree, the application may be rejected or approved;
- (c) if the President and Vice Presidents disagree, the full Council must decide by resolution.

5.5.2 The Secretary must notify the applicant in writing of its decision as soon as practicable after the decision is made.

5.5.3 If an application is rejected, any money accompanying the application must be returned to the applicant.

5.5.4 No reason need be given for the rejection of an application.

5.6 New membership

- 5.6.1 If an application for membership is approved, the Secretary must as soon as practicable, enter the name and address of the new member and the date of becoming a member in the register of members.
- 5.6.2 A person becomes a member of the CCHS and subject to rule 5.8.2, is entitled to exercise his or her rights of membership from the date, whichever is the later, on which:
- (a) the person's membership is accepted; or
 - (b) the person pays the joining fee, if any.

5.7 Annual subscription and fee on joining

- 5.7.1 The Council must determine:
- (a) which category of members must pay subscriptions
 - (b) what subscriptions must be paid for:
 - (i) the full annual subscription; or
 - (ii) a nil fee; or
 - (iii) a fixed amount determined from time to time by the Council.
 - (c) the date for payment of the annual subscription.
- 5.7.2 Upon application to transfer the registration of an animal to a non-member, the non-member is granted complimentary membership of the Society for the remainder of the then current financial year; however:
- (a) complimentary membership can only be granted if the non-member has never previously been a member of the Society.
- 5.7.3 A member who has not paid all subscriptions and fees by the due date is suspended and all rights are denied until the subscription and/or fee is paid in full.

5.8 General rights of members

- 5.8.1 A member who has fully paid under rule 5.7, and is not suspended for any reason has the right:
- (a) to receive notice of CCHS annual general meetings or special general meetings only and of proposed special resolutions of those meetings in the manner and time prescribed under rule 9.6;
 - (b) to submit items of business for consideration:
 - (i) at a CCHS annual general meeting or special general meeting in the manner and time specified in these rules;
 - (ii) at a Branch meeting under the rules of the Branch;
 - (c) to attend and be heard at the CCHS annual general meeting and special general meetings without voting rights;
 - (d) to have access to the minutes of general meetings and other documents of the CCHS as provided under rule 16.4; and
 - (e) to inspect the register of members.

- 5.8.2 A member is entitled to vote at all Branch meetings under Branch rules if:
- (a) the member is not a junior member;
 - (b) more than 10 business days have passed since he or she became a member of the CCHS; and
 - (c) the member's membership rights are not suspended for any reason.

5.9 Junior Members

- 5.9.1 Junior members of the CCHS are members under the age of 18 years.
- 5.9.2 A junior member has no voting rights but may have other rights as determined by the Council.

Note: refer to the CCHS By-laws for other requirements of members.

5.10 Life Members

- 5.10.1 The Council may confer life membership.

Note: Refer to the CCHS By-laws for criteria details.

5.11 Rights not transferable

- 5.11.1 The rights of a member are not transferable and end when membership ceases.

5.12 Ceasing membership

- 5.12.1 The membership of a person ceases on resignation, expulsion or death.
- 5.12.2 If a person ceases to be a member of the CCHS, the Secretary must as soon as practicable, enter the date the person ceased to be a member in the register of members.

5.13 Resigning as a member

- 5.13.1 A member may resign by notice in writing given to the CCHS under rule 16.3.3.
- 5.13.2 A member is taken to have resigned if:
- (a) the member's annual subscription is more than 3 months in arrears; or
 - (b) where no annual subscription is payable:
 - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

5.14 Register of members

- 5.14.1 The Secretary must keep and maintain a register of members that includes:

- (a) for each current member:
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) if the member is a junior member, a note to that effect;
 - (v) any other information determined by the Council; and
- (b) for each former member, the date of ceasing to be a member.

- 5.14.2 Any member may, at a reasonable time and free of charge, inspect the register of members.

Note: Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

6 Branches

6.1 Branches of the CCHS

- 6.1.1 Branches are not members of CCHS but are appointed by the Council and affiliated with CCHS under rule 10.1.3(c).
- 6.1.2 Branches are required to operate under these rules and the CCHS By-laws.
- 6.1.3 Branches may be suspended or disaffiliated by resolution of the Council.
- 6.1.4 Branches elect or appoint Branch Delegates under the Branch rules:
- (a) from CCHS members who are affiliated with their Branch;
 - (b) if the member is not suspended by CCHS for any reason.
- 6.1.5 At CCHS general meetings, a Branch has voting rights through its Branch Delegates under rule 9.10.

Note: Refer to the CCHS By-laws for other Branch rules.

7 Disciplinary Action

7.1 Grounds for taking disciplinary action

- 7.1.1 The Council may take disciplinary action against a member under these rules if it is determined that the member:
- (a) has failed to comply with CCHS rules; or
 - (b) refuses to support the purposes of the CCHS; or
 - (c) has engaged in conduct prejudicial to the CCHS.

7.2 Disciplinary subcommittee

- 7.2.1 If the Council is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Council must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- 7.2.2 The members of the disciplinary subcommittee:
- (a) may be Council members, members of the CCHS or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned; and
 - (c) must physically attend the disciplinary meeting, proxies are not permitted.

7.3 Notice to member

- 7.3.1 Before disciplinary action is taken against a member, the Secretary must give written notice to the member:
- (a) stating that the CCHS proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and
 - (d) advising the member that he or she may do one or both of the following:
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 7.5.
- 7.3.2 The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

7.4 Decision of subcommittee

- 7.4.1 At the disciplinary meeting, the disciplinary subcommittee must:
- (a) give the member an opportunity to be heard; and/or
 - (b) consider any written statement submitted by the member.
- 7.4.2 After complying with rule 7.4.1, the disciplinary subcommittee may:
- (a) take no further action against the member; or
 - (b) the member; or
 - (c) suspend the membership rights of the member for a specified period; or
 - (d) cancel the registration of any or all animals appearing as that member's property in the Stud Book; or
 - (e) fine the member up to the maximum allowed by the Act; or
 - (f) expel the member from the CCHS.
- 7.4.3 The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

7.5 Appeal rights

- 7.5.1 A person whose membership rights have been suspended or who has been expelled from the CCHS under rule 7.4.2, may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- 7.5.2 The notice must be in writing and given:
- (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.

- 7.5.3 If a person has given notice under rule 7.5.2, a disciplinary appeal meeting must be convened by the Council as soon as practicable, but in any event, not later than 21 days after the notice is received.
- 7.5.4 Notice of the disciplinary appeal meeting must be given to each Council member as soon as practicable and must:
- (a) form a new appeals subcommittee using the same selection criteria as rule 7.2.2, but, who were not a part of the original disciplinary meeting:
 - (i) not including the same members of the original disciplinary subcommittee;
 - (ii) with at least two or three times if possible, more subcommittee members than were on the disciplinary subcommittee;
 - (b) specify the date, time and place of the meeting; and
 - (c) state:
 - (i) the name of the person against whom the disciplinary action has been taken;
 - (ii) the grounds for taking that action;
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

7.6 Conduct of disciplinary appeal meeting

- 7.6.1 At a disciplinary appeal meeting:
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the Council must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- 7.6.2 After complying with rule 7.6.1, the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- 7.6.3 A member may not vote by proxy at the meeting.
- 7.6.4 The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

8 Grievance Procedure

8.1 Application

- 8.1.1 The grievance procedure applies to disputes under these rules between:
- (a) a member and another member;
 - (b) a member and a Branch;
 - (c) a member and the Council;
 - (d) a member and the CCHS.
- 8.1.2 A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

8.2 Parties must attempt to resolve the dispute

- 8.2.1 The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

8.3 Appointment of mediator

- 8.3.1 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 8.2, the parties must within 10 days:
- (a) notify the Council of the dispute; and
 - (b) agree to or request the appointment of a mediator;
 - (c) attempt in good faith to settle the dispute by mediation.
- 8.3.2 The mediator must be:
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) if the dispute is between a member and another member - a person appointed by the Council; or
 - (ii) if the dispute is between a member and the Council or the CCHS - a person appointed or employed by the Dispute Settlement Centre of Victoria.
- 8.3.3 A mediator appointed by the Council may be a member or former member of the CCHS but in any case must not be a person who:
- (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

8.4 Mediation process

- 8.4.1 The mediator to the dispute, in conducting the mediation, must:
- (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- 8.4.2 The mediator must not determine the outcome of the dispute. At the end of the mediation process, the parties must determine if the dispute is resolved.

8.5 Failure to resolve dispute by mediation

- 8.5.1 If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute under the Act or otherwise at law.

9 General Meetings of the CCHS

9.1 What are general meetings?

- 9.1.1 General meetings of the CCHS are either annual general meetings or special general meetings.
- 9.1.2 A disciplinary meeting conducted under rule 7, is not a general meeting.
- 9.1.3 A Council meeting under rule 13, is not a general meeting.

9.2 Who may attend a general meeting?

- 9.2.1 All CCHS members may attend a general meeting but only Branch Delegates may vote under rule 9.10.
- 9.2.2 The Secretary must provide a notice of a general meeting to all CCHS members under rule 9.6.

9.3 Annual general meetings

- 9.3.1 The Council must convene an annual general meeting of the CCHS to be held within 5 months after the end of each financial year.
- 9.3.2 The Council determines the date and time of the annual general meeting to be held at the Royal Melbourne Show unless otherwise determined by the Council.
- 9.3.3 The ordinary business of the annual general meeting is as follows:
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - (b) to receive and consider:
 - (i) the annual report of the Council on the activities of the CCHS during the preceding financial year; and
 - (ii) the financial statements of the CCHS for the preceding financial year submitted by the Council under Part 7 of the Act;
 - (c) to confirm the appointment of Branch Delegates as Councillors under rule 12.5;
 - (d) to elect the Council President and Vice Presidents under rule 12.2
- 9.3.4 The annual general meeting may also conduct any other business of which notice has been given under rule 9.6.
- 9.3.5 Voting rights are under rule 9.10.

9.4 Special general meetings

- 9.4.1 The Council may convene a special general meeting whenever it thinks fit.
- 9.4.2 No business other than that set out in the notice under rule 9.6, may be conducted at the meeting; however:
 - (a) general business may be considered at the meeting if it is included as an item for consideration in the notice under rule 9.6, and the majority of Branch Members who have voting rights at the meeting agree.
- 9.4.3 Voting rights are under rule 9.10.

9.5 Special general meeting held at request of Branch Delegates

- 9.5.1 The Council must convene a special general meeting if a request to do so is made under rule 9.5.2, by at least 3 Branch Delegates. Members have no rights to request a special general meeting.
- 9.5.2 A request for a special general meeting must:
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be given to the Secretary.

- 9.5.3 If the Council does not convene a special general meeting within 31 days after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- 9.5.4 A special general meeting convened by Branch Delegates under rule 9.5.3:
 - (a) must be held within 3 months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.
- 9.5.5 Voting rights are under rule 9.10.

9.6 Notice of general meetings

- 9.6.1 The Secretary or, in the case of a special general meeting convened under rule 9.5.3, the Branch Delegates convening the meeting, must give to each CCHS member at least 21 days notice of a general meeting.
- 9.6.2 The notice must:
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if a special resolution is to be proposed:
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
 - (d) indicate that proxies are permissible under rule 9.7.5.
- 9.6.3 This rule does not apply to a disciplinary appeal meeting.

Note: Rule 7.5.4, sets out the requirements for notice of a disciplinary appeal meeting.

9.7 Proxies

- 9.7.1 If a Branch Delegate is unable to attend a general meeting (being a CCHS annual general meeting or special general meeting under rule 9.1), the Branch to which that Branch Delegate belongs, may appoint a Branch Affiliate from that Branch to act as the proxy of the absent Branch Delegate.

Note: Proxies do not apply at CCHS Council meetings under rule 13.6.4.
- 9.7.2 A proxy is limited to voting and speaking rights only on behalf of the applicable Branch Delegate.
- 9.7.3 Proxies are not valid at a disciplinary appeal meeting.
- 9.7.4 The appointment of a proxy must be in writing and signed by the Branch Delegate making the appointment, the Branch and the proxy:
 - (a) on the official proxy form; and
 - (b) clearly identify the applicable meeting; and
 - (c) give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the Branch Delegate in any matter as he or she sees fit.

- 9.7.5 Notice of a general meeting given under rule 9.6 must:
- (a) state that a proxy may be appointed for the general meeting under rule 9.7.1; and
 - (b) include a copy of the official proxy form that the Council has approved for the appointment of a proxy, which is to be the same or similar to Appendix A in these rules.
- 9.7.6 The official proxy form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting and must be completed fully and accurately.
- 9.7.7 The official proxy form sent by post or electronically is of no effect unless:
- (a) it is received by the CCHS no later than 24 hours before the commencement of the meeting;
 - (b) it is completed fully and accurately.

9.8 Quorum at general meetings

- 9.8.1 No business may be conducted at a general meeting unless a quorum of Branch Delegates is present.
- 9.8.2 A quorum is 7 Branch Delegates who are present physically, by proxy or as allowed with technology under rule 14.
- 9.8.3 If a quorum is not present within 30 minutes after the notified commencement time of a general meeting the meeting must be dissolved.
- 9.8.4 If a meeting convened by, or at the request of, Branch Delegates under rule 9.5, is dissolved, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 9.5.
- (a) in any other case:
 - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

9.9 Adjournment of general meeting

- 9.9.1 The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- 9.9.2 Without limiting rule 9.9.1, a meeting may be adjourned:
- (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.
- 9.9.3 No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- 9.9.4 Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given under rule 9.6.

9.10 Voting at general meeting

- 9.10.1 On any question arising at a general meeting:
- (a) subject to rule 9.10.3, each Branch Delegate is entitled to vote and has one vote;
 - (b) votes may be in person or by proxy under rule 9.7;
 - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- 9.10.2 If votes are divided equally on a question, the Chairperson of the meeting has a second vote called a casting vote.
- 9.10.3 If the question is whether or not to confirm the minutes of a previous meeting, only Branch Delegates who were present at that meeting may vote.
- 9.10.4 Rule 9.10, does not apply to a vote at a disciplinary appeal meeting conducted under rule 7.6.

9.11 Special resolutions

- 9.11.1 A special resolution is passed if not less than seventy-five percent of the Branch Delegates voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note: In addition to certain matters specified in the Act, a special resolution is required to remove a Council member from office; and/or to alter the incorporation rules including changing the name or any of the purposes of the CCHS.

9.12 Determining whether resolution carried

- 9.12.1 Subject to rule 9.12.2, the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been:
- (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost;
- and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- 9.12.2 If a poll (where votes are cast in writing) is demanded by three or more Branch Delegates on any question:
- (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- 9.12.3 A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- 9.12.4 A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

9.13 Minutes of general meeting

- 9.13.1 The Council must ensure that minutes are taken and kept of each general meeting.
- 9.13.2 The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- 9.13.3 In addition, the minutes of each annual general meeting must include:
 - (a) the names of the Branch Delegates and other members at the meeting; and
 - (b) proxy forms given to the Chairperson of the meeting under rule 9.7.6; and
 - (c) the financial statements submitted to the members under rule 9.3.3(b)(ii); and
 - (d) the certificate signed by two Council members certifying that the financial statements give a true and fair view of the financial position and performance of the CCHS; and
 - (e) any audited accounts and Auditor's report or report of a review accompanying the financial statements that are required under the Act.

10 Powers of Council

10.1 Role and powers

- 10.1.1 The business of the CCHS is managed by and under the direction of the committee of management called the Council.
- 10.1.2 The Council may exercise all the powers of the CCHS under rule 4 except those powers that these rules or the Act require to be exercised by general meetings of the members of the CCHS; and
- 10.1.3 The Council may:
 - (a) appoint and remove staff and/or contractors;
 - (b) establish subcommittees consisting of members with terms of reference it considers appropriate;
 - (c) appoint Branches throughout Australia to assist in the promotion and implementation of the purposes and rules of the CCHS.

Note: For more Branch rules refer to rule 6 and the CCHS By-laws.

10.2 Delegation

- 10.2.1 The Council may delegate to a member of the Council, a subcommittee or staff, any of its powers and functions other than:
 - (a) this power of delegation; or
 - (b) a duty imposed on the Council by the Act or any other law.
- 10.2.2 The delegation must be in writing and may be subject to the conditions and limitations the Council considers appropriate.
- 10.2.3 The Council may in writing, revoke a delegation wholly or in part.

11 Composition of Council and Duties

11.1 Composition of Council

The Council composition is as follows:

11.1.1 Office Bearers elected at the annual general meeting under rule 12:

- (a) a President;
- (b) two Vice Presidents.

11.1.2 Office Bearers appointed by the Council under rule 12.4:

- (a) a Secretary;
- (b) a Treasurer; who may also be the Secretary.

11.1.3 Branch Delegates, elected or appointed at each Branch under the rule 12.5, are confirmed as Council members at the next CCHS annual general meeting as follows:

11.1.4 where a Branch has:

- up to 15 members.....2 delegates;
- 16 to 30 members.....2 to 3 delegates;
- 31 to 45 members.....2 to 4 delegates;
- 46 members or more.....2 to 5 delegates;

11.1.5 The Council President and Vice Presidents are elected from within these Branch Delegates under rule 12.

11.2 General Duties

11.2.1 As soon as practicable after being elected or appointed to the Council, each Council member must become familiar with these rules and the Act.

11.2.2 The Council is collectively responsible for ensuring that the CCHS complies with the Act and that individual members of the Council comply with these rules.

11.2.3 Council members must exercise their powers and discharge their duties with reasonable care and diligence:

- (a) in good faith;
- (b) in the best interests of the CCHS and all members, even though the Councillors' Branch may have put forward a preferred position; and
- (c) for a proper purpose.

11.2.4 Council members and former Council members must not make improper use of:

- (a) their position; or
- (b) information acquired by virtue of holding their position;

so as to gain an advantage for themselves or any other person or to cause detriment to the CCHS.

Note: See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

11.2.5 In addition to any duties imposed by these rules, a Council member must perform any other duties imposed from time to time by resolution at a general meeting.

11.3 Chairperson

- 11.3.1 Subject to rule 11.3.2, the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any general or Council meetings.
- 11.3.2 If the President and the Vice-Presidents are all absent, or are unable to preside, the Chairperson of the meeting must be elected by the other Branch Delegates present.

11.4 Secretary

- 11.4.1 The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.
Example: Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.
- 11.4.2 The Secretary must:
 - (a) maintain the register of members under rule 5.14; and
 - (b) keep custody of the common seal (if any) of the CCHS and, except for the financial records referred to in rule 15.3.3, all books, documents and securities of the CCHS under rules 16.1 and 16.4; and
 - (c) subject to the Act and these rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) perform any other duty or function imposed on the Secretary by these rules.
- 11.4.3 The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

11.5 Treasurer

- 11.5.1 The Treasurer must:
 - (a) receive all monies paid to or received by the CCHS and issue receipts for those monies in the name of the CCHS; and
 - (b) ensure that all monies received are paid into the account of the CCHS within 14 working days after receipt; and
 - (c) make any payments authorised by the Council or by a general meeting of the CCHS from the CCHS's funds; and
 - (d) ensure cheques are signed by 2 persons who may be Council members or office bearers nominated by Council under rule 15.2.4.
- 11.5.2 The Treasurer must:
 - (a) ensure that the financial records of the CCHS are kept under the Act; and
 - (b) coordinate the preparation of the financial statements of the CCHS and their certification by the Council prior to their submission to the annual general meeting of the CCHS.
- 11.5.3 The Treasurer must ensure that at least one other Council member has access to the accounts and financial records of the CCHS.

12 Election and Appointment of Council and Tenure of Office

12.1 Who is eligible to be a Councillor?

- 12.1.1 A Branch Delegate under rule 11.1.3, is eligible to be confirmed as a Councillor if he or she:
- (a) has been nominated by the Branch under rule 12.5;
 - (b) is 18 years or over;
 - (c) has fully paid all due CCHS subscriptions and fees and has not been suspended for any reason;
 - (d) is entitled to vote at CCHS meetings.
- 12.1.2 At the CCHS annual general meeting, after the annual report and financial statements of the CCHS have been received the Chairperson of the meeting must in this order:
- (a) confirm Branch Delegates under rule 12.5;
 - (b) declare the President and Vice Presidents positions vacant; and hold elections under rule 12.3.

12.2 President and Vice Presidents – Nominations

- 12.2.1 Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.
- 12.2.2 A Branch Delegate may:
- (a) nominate himself or herself; or
 - (b) with the Branch Delegate's consent, be nominated by another Branch Delegate.
- 12.2.3 A Branch Delegate who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

12.3 President and Vice Presidents - Election

- 12.3.1 At the annual general meeting, separate elections must be held for each of the following positions:
- (a) President;
 - (b) Two Vice-Presidents;
- 12.3.2 If only one Branch Delegate is nominated for the position, the Chairperson of the meeting must declare the Branch Delegate elected to the position.
- 12.3.3 If more than one Branch Delegate is nominated, a ballot must be held under rule 12.6.
- 12.3.4 On his or her election, the new President may take over as Chairperson of the meeting.

12.4 Secretary and Treasurer - Appointment

- 12.4.1 At the first meeting after its AGM, the CCHS Council appoints the Secretary and Treasurer.
- 12.4.2 The Secretary and Treasurer:
 - (a) maybe the same person;
 - (b) need not be a Branch Delegate. An independent person may be engaged under Council powers in rule 10;
 - (c) must be an Australian resident under the Act.
- 12.4.3 Before the completion of the appointed term under rule 12.9.2:
 - (a) if either the Secretary or Treasurer resign their appointment, the Council must appoint a replacement;
 - (b) the Council may, with due diligence, terminate the appointment if necessary and appoint a replacement.

12.5 Branch Delegates - Appointment

- 12.5.1 Each Branch must elect or appoint Branch Delegates for rule 11.1.3 to serve on the Council until the next CCHS annual general meeting.
- 12.5.2 The Branch must advise Council of their new Branch Delegates within 14 days.
- 12.5.3 Branch Delegates are confirmed as Councillors at the CCHS annual general meeting.
- 12.5.4 A Branch Delegate elected or appointed at their Branch before the CCHS annual general meeting is not entitled to be confirmed as a Council member until the next CCHS annual general meeting under rule 12.7.3:
 - (a) If a Council vacancy occurs under rule 12.8, the vacancy is filled under rule 12.9.

12.6 Ballot

- 12.6.1 If a ballot is required for the election for the positions of the President or Vice Presidents, the Chairperson of the meeting must appoint a CCHS member, Branch Delegate or other person, who is not one of the nominees, to act as returning officer to conduct the ballot.
- 12.6.2 The returning officer must not be a Branch Delegate nominated for the position.
- 12.6.3 Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- 12.6.4 The election must be by secret ballot.
- 12.6.5 The returning officer must give a blank piece of paper (voting paper):
 - (a) to each Branch Delegate present in person; and
 - (b) for each proxy appointed by a Branch Delegate; and
 - (i) the Branch Delegate who has more than one proxy, one voting paper must be given for the Branch Delegate in his or her own right, plus one each for the number of proxies he or she holds.
- 12.6.6 If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.

- 12.6.7 If the ballot is for more than one position:
- (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- 12.6.8 Ballot papers that do not comply with rule 12.6.7, are invalid and not to be counted.
- 12.6.9 Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- 12.6.10 The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- 12.6.11 If the returning officer is unable to declare the result of an election under rule 12.6.10, because two or more candidates received the same number of votes, the returning officer must:
- (a) conduct a further election for the position under rules 12.6.1 to 12.6.10, to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.
- Example:** The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

12.7 Term of Office

- 12.7.1 The Council President and Vice Presidents:
- (a) subject to rule 12.7.4 and rule 12.8, hold office until their positions are declared vacant at the next CCHS annual general meeting;
 - (b) the Council President and Vice Presidents may be re-elected.
- 12.7.2 The Secretary and Treasurer:
- (a) hold office until the first Council meeting after the next CCHS annual general meeting;
 - (b) may be re-appointed.
- 12.7.3 Branch Delegates:
- (a) subject to rule 12.7.4 and rule 12.8, hold office until the next CCHS annual general meeting under rule 12.5, regardless of whether their Branch has elected or appointed another Branch Delegate before the next CCHS annual general meeting;
 - (b) may be re-confirmed if their Branch has re-elected or re-appointed them as a Branch Delegate.
- 12.7.4 A Council meeting may:
- (a) by special resolution, remove a Council member from office; and
 - (b) confirm a new Branch Delegate, elected or appointed under Branch rules, to fill the vacant position.
- 12.7.5 A Council member who is the subject of a proposed special resolution under rule 12.7.4:
- (a) may make representations in writing to the Secretary or President of the CCHS (not exceeding a reasonable length) and may request that the representations be provided to the members of the Council.

- 12.7.6 The Secretary or the President may give a copy of the representations to each member of the Council or, if they are not so given, the Council member may require that they be read out at the Council meeting at which the special resolution is to be proposed.

12.8 Vacation of office

- 12.8.1 A Council member may resign from the Council by written notice addressed to the Council.
- 12.8.2 A person ceases to be a Council member if he or she:
- (a) ceases to be a member of the CCHS; or
 - (b) fails to attend 3 consecutive Council meetings (other than special or urgent Council meetings) without leave of absence under rule 13.9; or
 - (c) otherwise ceases to be a Council member by operation of section 78 of the Act.

12.9 Filling casual vacancies

- 12.9.1 The Council may appoint an eligible Branch Delegate from the applicable Branch, to fill a position on the Council that:
- (a) has become vacant under rule 12.8; or
 - (b) was not filled by election at the last annual general meeting.
- 12.9.2 If the position of Secretary or Treasurer becomes vacant, the Council must appoint a replacement within 14 days after the vacancy arises.
- 12.9.3 The term of office rule 12.7, applies to any Council member appointed by the Council under these filling casual vacancy rules.
- 12.9.4 The Council may continue to act despite any vacancy in its membership.

13 Meetings of Council

13.1 Frequency and venue

- 13.1.1 The Council must meet at least twice in each year at the date, time and place determined by the Council.
- 13.1.2 The date, time and place of the first Council meeting must be determined by the members of the Council as soon as practicable after the annual general meeting of the CCHS at which the members of the Council were elected or confirmed.
- 13.1.3 Special Council meetings may be convened by the President or by any 3 members of the Council.

13.2 Notice of meetings

- 13.2.1 Notice of each Council meeting must be given to each Council member no later than 28 days before the date of the meeting.
- 13.2.2 Notice may be given of more than one Council meeting at the same time.
- 13.2.3 The notice must state the date, time and place of the meeting.
- 13.2.4 If a special Council meeting is convened, the notice must include the general nature of the business to be conducted.
- 13.2.5 The only business that may be conducted at the meeting is the business for which the meeting is convened.

13.3 Urgent meetings

- 13.3.1 In cases of urgency, a meeting can be held without notice being given under rule 13.2, provided that as much notice as practicable is given to each Council member by the quickest means practicable.
- 13.3.2 Any resolution made at the meeting must be passed by an Absolute Majority of the Council.
- 13.3.3 The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

13.4 Procedure and order of business

- 13.4.1 The procedure to be followed at a Council meeting must be determined by the Council.
- 13.4.2 The order of business may be determined by the members present at the meeting.

13.5 Quorum

- 13.5.1 No business may be conducted at a Council meeting unless a quorum is present.
- 13.5.2 A quorum is 7 Council members.
- 13.5.3 The quorum for a Council meeting is the presence of a majority of the Council members holding office in person or as allowed with technology under rule 14.
- 13.5.4 If a quorum is not present within 30 minutes after the notified commencement time of a Council meeting:
 - (a) in the case of a special meeting - the meeting lapses;
 - (b) in any other case - the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given under rule 13.2.

13.6 Voting

- 13.6.1 The Secretary and/or Treasurer do not have voting rights unless they were appointed from the Branch Delegates in rule 11.1.3.
- 13.6.2 On any question arising at a Council meeting:
 - (a) each member of the Council present at the meeting, including as in rule 14, has one vote;
 - (b) a motion is carried if a majority of Council members present at the meeting vote in favour of the motion.
- 13.6.3 Rule 13.6.2, does not apply to any motion or question which is required by these rules to be passed by an Absolute Majority of the Council.
- 13.6.4 If votes are divided equally on a question, the Chairperson of the meeting has a second vote called a casting vote.
- 13.6.5 Voting by proxy is not permitted at Council meetings.

13.7 Conflict of interest

13.7.1 A Council member who has a material and/or personal interest in a matter being considered at a Council meeting must disclose the nature and extent of that interest to the Council.

13.7.2 The member:

- (a) must not be present while the matter is being considered at the meeting; and
- (b) must not vote on the matter.

Note: Under section 81(3) of the Act, if there are insufficient committee (Council) members to form a quorum because a member who has a material and/or personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

13.7.3 This rule 13.8, does not apply to a material personal interest:

- (a) that exists only because the member belongs to a class of persons for whose benefit the CCHS is established; or
- (b) that the member has in common with all, or a substantial proportion of, the members of the CCHS.

13.8 Minutes of meeting

13.8.1 The Council must ensure that minutes are taken and kept of each Council meeting.

13.8.2 The minutes must record the following:

- (a) the names of the members in attendance at the meeting;
- (b) the business considered at the meeting;
- (c) any resolution on which a vote is taken and the result of the vote;
- (d) any material personal interest disclosed under rule 13.7.

13.9 Leave of absence

13.9.1 The Council may grant a Council member leave of absence from Council meetings for a period not exceeding 3 months.

13.9.2 The Council must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the Council member to seek the leave in advance.

13.9.3 A leave of absence is not a vacancy.

14 Technology Use

14.1 Technology use at general and council meetings

14.1.1 A Branch Delegate or Council member who is not physically present at a CCHS General Meeting under rule 9, or Council Meeting under rule 13, may participate in the applicable meeting by the use of technology that allows that person and those physically present at the meeting to clearly and simultaneously communicate with each other.

14.1.2 A person participating in a meeting as permitted under rule 14.1.1, is taken to be present at the meeting.

14.1.3 If the member votes at the meeting, is taken to have voted in person.

15 *Financial Matters*

15.1 Source of funds

The funds of the CCHS may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Council.

15.2 Management of funds

- 15.2.1 The CCHS must open an account with a financial institution from which all expenditure of the CCHS is made and into which all revenue of the CCHS is deposited.
- 15.2.2 Subject to any restrictions imposed by a general meeting of the CCHS, the Council may approve expenditure on behalf of the CCHS.
- 15.2.3 The Council may authorise the Treasurer to expend funds on behalf of the CCHS (including by electronic funds transfer) up to a specified limit without requiring approval from the Council for each item on which the funds are expended.
- 15.2.4 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by the 2 persons who may be Council members or office bearers nominated by Council.
- 15.2.5 All funds of the CCHS must be deposited into the financial account of the CCHS no later than 5 working days after receipt.
- 15.2.6 With the approval of the Council, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

15.3 Financial records

- 15.3.1 The CCHS must keep financial records that:
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- 15.3.2 The CCHS must retain the financial records for 7 years after the transactions covered by the records are completed.
- 15.3.3 The Treasurer must keep in his or her custody, or under his or her control:
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Council.

15.4 Financial statements

- 15.4.1 For each financial year, the Council must ensure that the requirements under the Act relating to the financial statements of the CCHS are met.
- 15.4.2 Without limiting rule 15.4.1, those requirements include:
- (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the Council;
 - (d) the submission of the financial statements to the annual general meeting of the CCHS;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

16 General Matters

16.1 Common seal

- 16.1.1 The name of the CCHS must appear in legible characters on the common seal.
- 16.1.2 A document may only be sealed with the common seal by the authority of the Council and the sealing must be witnessed by the signatures of two Council members.
- 16.1.3 The common seal must be kept in the custody of the Secretary.

16.2 Registered address

- 16.2.1 The registered address of the CCHS is:
- (a) the address determined from time to time by resolution of the Council; or
 - (b) if the Council has not determined an address to be the registered address, the postal address of the Secretary.

16.3 Notice requirements

- 16.3.1 Any notice required to be given to a member or a Council member under these Rules may be given:
- (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by email or facsimile transmission.
- 16.3.2 Rule 16.3.1 does not apply to notice given under rule 13.2.
- 16.3.3 Any notice required to be given to the CCHS or the Council may be given:
- (a) by handing the notice to a member of the Council; or
 - (b) by sending the notice by post to the registered address; or
 - (c) by leaving the notice at the registered address; or
 - (d) if the Council determines that it is appropriate in the circumstances, by agreed electronic means to the CCHS or the Secretary.

16.4 Custody and inspection of books and records

16.4.1 Members may on request inspect free of charge:

- (a) the register of members;
- (b) the minutes of general meetings;
- (c) subject to rule 16.4.2, the financial records, books, securities and any other relevant document of the CCHS, including minutes of Council meetings.

Note: See note following rule 18 for details of access to the register of members.

16.4.2 The Council may refuse to permit a member to inspect records of the CCHS that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the CCHS.

16.4.3 The Council must on request make copies of these rules available to members and applicants for membership free of charge.

16.4.4 Subject to rule 16.4.2, a member may make a copy of any of the other records of the CCHS referred to in this rule and the CCHS may charge a reasonable fee for provision of a copy of such a record.

16.4.5 For purposes of this rule 16.4.5:

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the CCHS and includes the following:

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the CCHS.

16.5 Winding up and cancellation

16.5.1 The CCHS may be wound up voluntarily by special resolution.

16.5.2 In the event of the winding up or the cancellation of the incorporation of the CCHS, the surplus assets of the CCHS must not be distributed to any members or former members of the CCHS.

16.5.3 Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the CCHS and which is not carried on for the profit or gain of its individual members.

16.5.4 The body to which the surplus assets are to be given must be decided by special resolution.

16.6 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the CCHS.

Note:- An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the CCHS is taken to have adopted its own rules, not the model rules.

STUD BOOK ENTRY REGULATIONS

1. Entries for the Stud Book will only be received from financial Members of the Society on the distinct understanding that the entrant agrees to inspection, if necessary, also to pay half the cost of such inspection and to accept the decision of the Federal Council after receiving its Inspector's report.
2. All entries must be made on the Society's official forms, and must be forwarded direct to the Secretary, together with the prescribed fees.
3. The Secretary shall collect all fees payable on entries lodged and take all necessary steps within their power to certify to the correctness of such entries. Before the publication of any volume of the Stud Book, all entries shall be finally examined by an Editing Committee appointed by the Federal Council, and any queried entries shall be referred by this Committee to the Federal Council whose decision shall be final.
4. The Federal Council reserves the right to refuse any entry if deemed necessary in the interests of the Society, without assigning a reason, and also reserves the right to cancel the registration of any animal, the pedigree of which already appears in a published volume, if it is proved to its satisfaction that the information published is incorrect.
5. The onus shall rest on the entrant in all cases of satisfying the Federal Council of the undoubted purity of all animals submitted for registration.
6. Members will be held responsible for the accuracy of all information supplied, and the Federal Council may refuse to permit any alteration to be made to any pedigree submitted for inclusion in the Stud Book, and may cancel the entry, if the particulars originally supplied are proved incorrect.
7. The Society will not be responsible for any loss or damage that may be sustained by any one through the inaccuracy, omission, alteration or cancellation of any entry.
8. The application for the registration of a stallion in the Commonwealth Clydesdale Stud Book must contain name, date of birth, colour, and an accurate description of any white markings, particulars of brands and the name and address of the breeder and present owner, in addition to the pedigree of the animal.
9. Each stallion bred in the Commonwealth must be the progeny of a registered sire (which is of "Clydesdale breeding", as defined in Regulation 10) and his dam must be registered in the numbered section of this Society's Stud Book. Such stallions must also have been recorded as progeny in accordance with the Regulations, if born prior to the 1st August 1985.
10. Stallions bred in Great Britain or Ireland and registered in the Clydesdale Stud Book of Great Britain and Ireland or the progeny of sire and dam so registered (born in transit) will be eligible for registration at half fee.
11. Stallions bred overseas and registered in Stud Books including the Clydesdale Stud Book of Great Britain and Ireland, must be proved to possess three (3) pure crosses of "Clydesdale breeding" (that is to say, their sire, the sire of their dam, the sire of their second dam, be of "Clydesdale breeding" as defined in the following paragraph). (Such stallions will also be accepted at half fee).
12. The term "Clydesdale breeding" means a stallion entered in the Commonwealth Clydesdale Book, or Volume 1 of the Australian Clydesdale Stud Book, or entered as a Clydesdale in Volumes 1. – X. of the Draught Horse Stud Book of Australia, or in Volumes 6, 7 and 8 of the New Zealand Draught Horse Stud Book, or bred in Great Britain, Ireland or New Zealand and registered in the Clydesdale Stud Book of Great Britain and Ireland or the New Zealand Clydesdale Stud Book.
13. The application for the registration of a gelding in the Commonwealth Clydesdale Stud Book must contain the registered name, date of birth, colour and an accurate description of any white markings, particulars of brands and the name and address of the breeder and present owner, in addition to the pedigree of the animal.
14. Each gelding bred in the Commonwealth must be the progeny of a registered sire (which is of "Clydesdale breeding", as defined in Regulation 10) and his dam must be a registered (numbered) mare already entered

in this Society's Stud Book and must have been progeny recorded in accordance with the Regulations, if born prior to 1st August 1985.

15. Geldings bred in Great Britain or Ireland and registered in the Clydesdale Stud Book of Great Britain and Ireland will be eligible for registration.
16. Stallions castrated are eligible for transfer to the gelding register at no fee.
17. Progeny recorded colts can be adult registered directly into the gelding register, if born prior to 1st August 1985.
18. The application for the registration of a mare in the numbered section of the Commonwealth Clydesdale Stud Book must contain the name, date of birth, colour and an accurate description of any white markings, particulars of brands and the name and address of the breeder and present owner, in addition to the pedigree of the animal and a complete list of all progeny bred from her to date.
19. Each mare bred in the Commonwealth must be the progeny of a registered sire (which is of "Clydesdale breeding", as defined in Regulation 10) and her dam must be a registered (numbered) mare already entered in this Society's Stud Book and must have been recorded as progeny in accordance with the Regulations, if born prior to 1st August 1985.
20. Mares bred in Great Britain or Ireland and registered in the Clydesdale Stud Book of Great Britain and Ireland, or the progeny of sire and dam so registered (born in transit) will be eligible for registration at half fee.
21. Mares bred overseas and registered in Stud Books including the Clydesdale Stud Book of Great Britain and Ireland must be proved to possess two (2) pure crosses of "Clydesdale breeding" (that is to say, their sire, the sire of their dam must be of "Clydesdale breeding", as previously defined in the Rules). (Such mares will also be accepted at half fee).
22. The registration of any Australian-bred animal in any Stud Book published outside the Commonwealth will not be recognised by this Society, and any such animal must comply with the regulations governing registration in this Society's Stud Book before it or its progeny will be accepted.
23. The progeny of Artificial Insemination and Embryo Transfer will be accepted by the Society as per the following.
 - (a) The Progeny of artificial insemination is permitted to be registered provided:
 - (i) The prescribed forms are completed and lodged with the Registrar.
 - (ii) DNA typing of stallion, mare and progeny is carried out and is available to the Society.
 - (iii) All Donor Mares used for Embryo Transfer must be free of hereditary unsoundness and will require a CCHS Veterinarian Certificate of Soundness as per regulations for Stallions.
 - (b) The Society will not be held responsible for any loss/damage incurred by AI procedure undertaken by any veterinarian or technician listed in any publication of the Society.
 - (c) The registration of progeny by embryo transfer is permitted providing the DNA typing of the stallion, mare and progeny is carried out and is available to the Society and the Society is furnished with adequate notification of the procedure by the veterinary Surgeon involved. Up to ten (10) foal registrations per mare per breeding season is permitted.
24. A maximum of 20 foals can be registered by one stallion in a breeding season.
25. All eligible animals imported from overseas must (on arrival) be registered in this Society's Stud Book, and the application must be accompanied by a certificate of registration from the Secretary of a recognised Stud Book published in the country from which such animal was imported.
26. For each animal born after 1st August, being the progeny of registered (numbered) parents, official application for registration must be received by 31st July of that breeding season. Failure to comply with this regulation shall incur a penalty fee of double that of the registration fee, in addition to the registration fee in respect of each animal, providing application is lodged within the following breeding season.
 - (a) Each such application shall be accompanied by a Certificate of Service as from the 1st August 1981, if the breeder is not the owner of the sire.

- (b) After 24 months post foaling season, parentage is to be determined by three-way DNA identification (including progeny, sire and dam). All associated costs shall be borne by the applicant. After 36 months, post foaling season, an animal shall be ineligible for registration.
- (c) The Society will only register or enter the progeny of stallions of which a Veterinary Certificate has been lodged with the Secretary stating that such sire is free from hereditary diseases and unsoundness as prescribed by Federal Council from time to time. This requirement applies to stallions born after the 1st August 1981.
- (d) If born in Australia after 1st August 1982, be branded within twelve months of foaling or when sold, whichever is sooner; and
 - (i) If bred in the State of Queensland be branded with the breeder's registered brand over a breeding number over the last numeral of the year of foaling.
 - (ii) If bred in a State of the Commonwealth of Australia other than Queensland, be branded on the near shoulder with the breeder's brand and be branded on the off shoulder with the breeding number over the last numeral of the year of foaling.
 - (iii) The breeding number shall indicate the order in point of time in which the animal was foaled in relation to other animals (regardless of sex) of such first owner bearing the same brand and tendered for registration. No two foals of the same first owner shall be branded with the same number.

The year of ageing Clydesdales commences on 1st August each year. Imported Clydesdales are to be branded with the importer's brand.

- 27. Animals which are already recorded as progeny of their dams in the Stud Book must be registered as adults before their progeny can be accepted, if born prior to 1st August 1985.
- 28. Notification of transfer by the vendor within sixty days from date of sale of any animal registered or recorded in the Stud Book is compulsory. When a female is being transferred, it must be Stated whether or not she has been served, and, if served, the name of the stallion and the date of service must be given. Such transfers must be made on the Society's official forms, in respect of all sales effected on or after 1st October 1925, and be lodged with the Secretary, together with the prescribed fee. Failure to comply with this rule will entail a penalty as determined from time to time per head on the vendor, in addition to the transfer fee, and no transfer for an animal will be accepted unless its registration has been completed.
- 29. Every breeder must register a separate stud name, of not more than two words and shall not exceed 16 characters, for use exclusively as a prefix to the names of animals bred by them. The final granting of any application for the registration of a stud name shall rest with the Federal Council, which will, as far as possible, safeguard stud names registered with the Clydesdale Horse Societies of Great Britain and Ireland, and New Zealand. (No fee). Each stud name must carry its own individual stud brand.
- 30. The purchaser of a stud shall have no right to the previous owner's prefix, except with the written sanction of the previous owner and with the approval of the Federal Council.
- 31. An animal's name shall not exceed 36 characters, including the breeder's prefix, which must be used and no stud prefix other than the breeder's will be permitted as any portion of the name. Names, once registered, cannot afterwards be changed.
- 32. No animal imported after 1st January 1927, will be accepted for registration while the name contains any registered Australian stud prefix, unless such animal had been named when recorded as a foal by the breeder in a recognised Stud Book published in the country where the animal was bred.
- 33. The breeder of an animal is the owner of its dam at date of foaling.
- 34. All deaths and castrations of registered animals must be notified within sixty days.
- 35. It shall be the duty of all Members to keep proper records of their stud breeding activities, such records to be open for inspection at any time by any person appointed by any Branch or the Federal Council.
- 36. Stallion Inspection – Provisional Certificate - A stallion cannot be inspected for a Certificate of Inspection before the age of 2 years. At 2 years a stallion can be inspected for a Provisional Certificate of Inspection and a DNA sample is to be collected and sent to be tested by the CCHS preferred laboratory. This number will be recorded on the Certificate of Registration. The Provisional Certificate will cover

the stallion up to the age of 5 years, at which time it will expire. This inspection is not necessary if the stallion is not used for breeding purposes until over 5 years of age.

37. Life Certificate - From 5 years a stallion must be inspected for a Life Certificate of Inspection, if no DNA sample is on file at this time a sample must be collected if further progeny is to be registered. This number will be recorded on the Certificate of Registration.

Please Note - The age of a colt or stallion is to be calculated from the 1st August.

38. DNA Testing –

- (i) All stallions for breeding purposes born after the 1st August 2010 must be DNA tested at the time of Provisional or Life Certificate Inspection.
- (ii) DNA testing of females and parent verification is not compulsory but desirable.

Appendix A

Official CCHS Proxy Form

Appointment of Proxy by Branch Delegate

in accordance with Rule 9.7 of the CCHS Constitution
for the Annual General Meeting or Special General Meetings only

For a valid proxy vote:

this form must be fully completed and delivered to the CCHS within the prescribed time

Name of Branch Delegate:

Branch Officer:.....

Name of Proxy:

The proxy, is hereby authorised on behalf of the Branch Delegate at the general meeting herein specified to:

(1) Speak and Vote in favour of/against (delete as appropriate) the resolution (insert details).

And/Or (delete as appropriate)

(2) Speak and Vote for all resolutions as my proxy may decide at the meeting.

Signed:

Branch Delegate Date

Branch Officer..... Date

Appointed Proxy Date