

**TASMANIAN CANINE  
ASSOCIATION INC.**

**REG No.**

**C O N S T I T U T I O N**

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- 1.1 The name of the Association is the Tasmanian Canine Association Inc. (Hereinafter referred to as the "TCA") which is an association incorporated pursuant to the Associations Incorporation Act 1964.
- 1.2 The business office of the TCA shall be located at such address as is determined from time to time by its Council.

### 1.3 INTERPRETATION AND DEFINITION.

In this Constitution, and in the Rules and Regulations thereto, unless the contrary intention is expressed:

"the Act"	means the Associations Incorporation Act 1964.
"Affiliated body"	means a Club, Society or Association of natural persons, whether incorporated or unincorporated, desirous of conducting canine exhibitions and which has been admitted as an affiliate of the TCA
"Appeals Committee"	means a body appointed by Council pursuant to Rule 42.2.2 and to which it delegates its powers under Rule 42.5 to hear and determine Appeals by persons aggrieved by a decision of a Disciplinary Committee appointed under these Rules.
"ANKC"	means the Australian National Kennel Council of which the TCA is a member body and an agent for awarding and issuing ANKC certificates and ANKC titles and for issuing ANKC export pedigree certificates etc.
"Application for membership"	includes application for readmission to membership.
"Associate affiliated body"	refers to a Club, Society or Association of natural persons, whether incorporated or unincorporated, desirous of providing services to canine activities other than the holding of Exhibitions and which has been admitted as an associate affiliate of the TCA.
"Associate dog"	means a desexed dog or bitch that is not a separate breed recognised by the ANKC or a desexed dog or bitch that is not eligible to be registered in the pure bred register for any reason.
"Auditor"	means the Auditor appointed or reappointed by the members of the TCA at an Annual General Meeting
"Ballot"	means receipt of voting, voting, poll or polling.
"Body"	means, where the context reasonably permits, any Society or Association, Company, Corporation or group of persons.
"Committee"	means a committee of the TCA other than the Council.
"Constitution"	means the Constitution of the TCA.
"Controlling body"	means a member body of the ANKC or international canine controlling body recognised by the ANKC.
"Departmental"	means includes but not limited to Conformation, Courses, Junior

Handling, Obedience, Overheads, Rallyo, Tracking, Training Judges etc

"Disciplinary Committee"	means a body appointed from time to time by the Council and to which is delegated the power to hear charges against members of the TCA
"Disqualified member"	A person who has been disqualified, suspended or deemed to be otherwise ineligible to take part in exhibitions held under the Rules of the TCA for the term of such disqualification, suspension or ineligibility.
"Division"	means a method by which a vote is decided, in which members in attendance divide into two groups to signify either support or opposition to a motion. The chair directs the 'ayes' to move to the right of the chair, and the 'noes' to the left.
"Dog"	includes bitch where the context reasonably admits.
"Exhibit"	(a) used as a noun means a dog entered for exhibition at a Show or Trial. (b) used as a verb includes the verb "to show" and vice versa and "to exhibit" or "to show" includes "to compete".
"Exhibition/s"	includes Conformation Shows and Matches, Obedience Trials and Tracking Trials, Agility Trials, Field/Retrieving Trials and Water Tests, and any other canine activity approved by the TCA.
"Exhibitor"	means a person in whose name an exhibit is entered for exhibition but where the context reasonably permits, shall be deemed to include a person by whom such exhibit is displayed or handled or the person in whose charge the exhibit is whilst in the precincts of an Exhibition.
"Fees"	shall include monies payable in respect of the registration of or in respect of an entry of a dog in the records of the TCA and other service fees as set down in the Scale of Charges.
"Financial year"	in relation to the TCA means the period of one financial year ending at midnight on the 30th June each year.
"Gazette"	means the official Gazette of the TCA published by the Council.
"Handler"	means a person who displays or handles an exhibit whilst it is being exhibited.
"Insolvent under administration"	means a person who: .1 under the Bankruptcy Act 1966 or the law of an external Territory, is a bankrupt in respect of a bankruptcy from which the person has not been discharged; or

	.2	under the law of a country other than Australia or the law of an external Territory, has the status of an undischarged bankrupt; and includes:
	.3	a person who has executed a Deed of Arrangement under Part X of the Bankruptcy Act 1966 or the corresponding provisions of the law of an external Territory or of the law of a country other than Australia, where the terms of the Deed have not been fully complied with; and
	.4	a person whose creditors have accepted a Composition under Part X of the Bankruptcy Act 1966 or the corresponding provisions of the law of an external Territory or of the law of a country other than Australia where a final payment has not been made under the Composition.
"Judge"		means a person approved by the Council to judge at an Exhibition.
"Kennel Control Council"		means the unincorporated body known by that name prior to the date of adoption of the Constitution and Regulations of the TCA by its members.
"Kennel prefix membership"		means a membership operating under the name of a registered Prefix.
"Council"		means the elected Council of the TCA and includes the Office Bearers and ordinary members of such Council.
"Period of membership"		means the period of time which terminates at midnight on the last day of the month in which falls the anniversary of the date of admission as a member. Memberships shall lapse if not renewed within one calendar month of termination.
"Person"		where the context reasonably permits, includes a natural person, a firm or partnership, or syndicate or a company, corporation or any other legal entity.
"Poll"		means a secret ballot conducted at either a Special or Annual General Meeting.
"Prefix"		means a breeders prefix appearing in the central register of ANKC prefixes.
"Junior"		Any child seven (7) to eighteen (18) years of age and whose parent is a financial member of the TCA Inc. shall be permitted to handle a dog at any exhibition providing the child is a member of the TCA Inc. or an affiliated body and capable of controlling the exhibit.

"The prescribed form"	means a form prescribed by the Council for a particular purpose.
"Prize"	includes any award, whether in the form of a certificate, a card, a ribbon, a rosette, a sash, a monetary payment, a trophy or otherwise.
"Pure bred dog"	means a dog that is recognised as a separate breed by the ANKC for which a separate register shall be kept.
"Recognised Exhibition"	means a Show conducted by an unaffiliated body, but recognised by the Council for a particular occasion.
"Resolution"	means an ordinary resolution passed by a simple majority of the number of members personally present at a meeting of members and eligible to vote and voting on the resolution.
"Regulations"	means the Regulations of the TCA as amended by the Council from time to time and published in the TCA Gazette.
"Show"	.1 used as a noun beginning with a capital S includes any exhibition at which dogs are judged or at which dogs compete and at which prizes are awarded.  .2 used as a verb includes the verb to exhibit and vice versa and to exhibit or show includes to compete.
"Special General Meeting"	means a general meeting of the members of the TCA other than an Annual General Meeting.
"Special Resolution"	means a resolution passed by a majority of not less than seventy five percent of the number of members of the TCA who, being entitled to do so, attend and vote personally on the resolution at an Annual General Meeting of the TCA or at a Special General Meeting of the TCA convened for the purpose of such resolution and notice of which meeting, specifying the terms of the resolution and the intention to propose and move the resolution as a Special Resolution, was given to all members of the TCA at least twenty one days prior to the date of holding such meeting.
"State"	means the State of Tasmania.

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"Sub-Committee"	means a Sub-Committee of the Council or of any other committee.
"Suspend"	means to debar temporarily from membership.  Suspended member means one who has been disqualified, suspended or is otherwise ineligible to take part in exhibitions held under the Regulations of the TCA for the term of such disqualification, suspension, or ineligibility.
"Syndicate Membership"	means, in relation to an ordinary or associate membership, two or more natural persons, incorporated or unincorporated bodies,  or any combination thereof and includes a natural person in combination with any of the above.
"Unrecognised Exhibition"	means any canine activity declared unrecognised by the Council.
"TCA"	means the Tasmanian Canine Association Inc.
"Writing"	includes printing, typing, roneo, photocopying, and any other like recognised means of written communication.

## **1.4 OBJECTIVES/STATEMENT OF PURPOSES.**

The principal objectives of the TCA are:

- 1.4.1 To be the governing canine body for the State, to promote breed improvement of the purebred dog, to promote wide human interest in all TCA registered dogs and to secure proper appreciation and recognition of their place in human society.
- 1.4.2 To promote and raise the standards of breeding, rearing, keeping, and sale of pure bred dogs and the general welfare of all dogs.
- 1.4.3 To promote and encourage the regulation of breeding of pure bred dogs and the registration of such dogs and their progeny with the TCA.
- 1.4.4 To promote and encourage the recreation, sport, exhibition and training of TCA registered dogs and to provide facilities for those purposes.
- 1.4.5 To promote and encourage membership of the TCA and to promote the advantages and privileges of membership.
- 1.4.6 To provide for affiliation with the TCA of canine bodies and canine service organisations whose objectives are compatible with the objectives of the TCA.
- 1.4.7 To educate members, affiliated bodies and the general public on canine matters and to inform members and affiliated bodies on all other matters of concern or interest to them.
- 1.4.8 To obtain affiliation with or membership of international canine bodies and maintain membership with the Australian National Kennel Council for the purpose of achieving international and national uniformity in all canine matters so long as the objectives, decisions and rulings of the international canine bodies and Australian National Kennel Council are compatible with the objectives and domestic rules, regulations and operations of the TCA.
- 1.4.9 To liaise, cooperate and reciprocate with other recognised state, territorial and international canine controlling bodies in matters of common interest or concern and of mutual benefit.
- 1.4.10 To promote and assist and to make contributions to canine veterinary research, the preservation of canine records and artefacts of historical significance and to other worthy causes.
- 1.4.11 To obtain recognition of the TCA and its affiliates as expert authorities on canine matters, and in particular, the sport and recreation of exhibiting TCA registered dogs.
- 1.4.12 To make representations to and to negotiate with all Government authorities on matters relating to dogs.
- 1.4.13 To make Rules and Regulations for the administration and general management of the operations and affairs of the TCA and for the conduct of canine exhibitions by its affiliated bodies and for other ancillary matters.
- 1.4.14 To publish an official Gazette periodically as a means of communication between the TCA and its members and affiliated bodies.
- 1.4.15 To promote the objectives of all affiliated clubs and associate affiliated canine service organisations.
- 1.4.16 To promote and develop the identity and activities of the TCA.

AND for the attainment of these Objectives/Statement of Purposes and associated or ancillary matters the TCA shall have power, which shall be vested in and be exercised by its Council (subject to the Rules) on behalf of the TCA, to do all or any of the following things:

#### **1.5 MEMBERS AND AFFILIATED BODIES BOUND BY CONSTITUTION.**

Every member and every affiliated body and associate affiliated body shall, as a condition of membership or affiliation, be bound by this Constitution in so far as the Constitution shall relate to them.

#### **1.6 ALTERATION OF CONSTITUTION.**

No alteration to this Constitution shall be made except by a Special Resolution passed by a majority of not less than seventy five per cent of the number of members of the TCA who, being entitled to do so, attend and vote personally on the resolution at an Annual General Meeting of the TCA or at a Special General Meeting of the TCA convened for the purpose of such resolution and notice of which meeting, specifying the terms of the resolution and the intention to propose and move the resolution as a Special Resolution, was given to all members of the TCA at least twenty one days prior to the holding of such meeting.

Any alteration to, or rescission of, a Rule or implementation of a new Rule shall be of no effect until notice of such alteration to, or rescission of, the Rule or implementation of the new Rule has been:

- 1.6.1 approved by the Registrar of Incorporated Associations pursuant to the Act; and
- 1.6.2 served on members by publication of the text of such alteration or rescission, or of the new Rule in the next available issue of the TCA Gazette and published to the TCA website when the provisions of 15.3, as to service of notice, shall apply.

- 1.7 In this Constitution no heading to a Clause or series of Sub-Clauses, nor any marginal notes or footnotes in this Constitution shall be taken to be or form part of the Constitution.

### **1.8 MEMBERSHIP**

#### **1.8.1 Application for Membership**

Application for membership shall be made in writing on the prescribed form, and shall be accompanied by the initial subscription fee.

- 1.8.2 Membership of the TCA is subject to the application being submitted to and approved by the Council.

#### **1.8.3 Categories of Membership**

The membership of the TCA shall consist of:

- 1.8.3.1 Ordinary membership, being a natural person of at least 18 years of age.
- 1.8.3.2 Joint membership, being two natural persons who each qualify as an ordinary member, and who are resident at the same address.
- 1.8.3.3 Life membership as provided for in Rule 1.8.7.
- 1.8.3.4 Junior membership, any child seven (7) to eighteen (18) years of age and whose parent is a financial member of the TCA Inc.
- 1.8.3.5 Associate membership as provided for in the Regulations.

Pensioner membership  
Secondary membership

## Interim membership

1.8.4 An application for membership shall be in such form as the Council may from time to time prescribe and shall be signed by the applicant and lodged with the Executive Officer.

1.8.5 An applicant shall furnish to the Council such information as may be required from time to time by the Council and in particular shall furnish such information as is called for in the prescribed form.

1.8.6 Any application for membership may be refused by the Council with appropriate reason provided to applicant therefore notwithstanding that a membership subscription was paid contemporaneously with the application and was banked by the TCA provided that in the event of the application being refused such subscription shall be refunded to the applicant within 21 days.

### 1.8.7 Life Membership

The Council may by resolution award life membership status to a member in consideration of outstanding or special service rendered by that member to the TCA and such member shall continue to enjoy all privileges and benefits of ordinary membership of the TCA but shall not be liable to pay an annual membership subscription.

## 1.9 Cessation of Membership

Membership of the TCA shall cease ipso facto:

- 1.9.1 Upon the termination of the period of membership (whether by effluxion of time or otherwise) unless the member shall be re-admitted by the Council for a further period of membership after the termination;
- 1.9.2 If the member resigns by notice in writing addressed to the Executive Officer such resignation is as amended from the date it is received by the Executive Officer and does not relieve the member from payment of overdue subscriptions or other monies owed by the member to the TCA at the time of resignation;
- 1.9.3 If the member dies, save and except that the membership shall be continued in the name of the deceased member's Estate upon receipt of a written application in that behalf from the Executor/Administrator of the Estate pending the disposal by sale or bequest and transfer by the Executor/Administrator to another person of any prefix or dogs registered with the TCA in the name of the deceased member.
- 1.9.4 If the member's annual subscription for the forthcoming year has not been paid within one calendar month of termination, in accordance with Rule 1.15
- 1.9.5 If the member is suspended from membership of the TCA or disqualified or otherwise declared ineligible to take part in any capacity in an Exhibition for the term of such suspension, disqualification or ineligibility.
- 1.9.6 A Syndicate Membership shall cease to be a member of the TCA if it's representative or any of it's constituent members becomes subject to the provisions of Rule 1.9.5.
- 1.10 An incorporated company shall cease to be a member of the TCA if it's representative becomes subject to the provisions of Rule 1.9.5 or if a Receiver or a Receiver and Manager is appointed over the property and business affairs of the company or a Liquidator is appointed to wind up the company save and except that the membership of the company may be continued at the discretion of the Council upon receipt of a written application in that behalf from one or other of such Administrators of the company pending a disposal by sale and transfer by an administrator to another person of any prefix or dogs registered in the name of the company.
- 1.11 **A member's membership shall be suspended in the event that:**

1.11.1 there is owing by the member to the TCA or any of its Affiliates any monies for goods or services provided by the TCA or any of its Affiliates to or at the request of the member and such monies have been outstanding for more than sixty days provided that subject otherwise to the Regulations, the suspension of membership shall cease upon payment by or on behalf of the member to the TCA or any of its Affiliates of the outstanding monies; or

1.11.1 the member fails or neglects without good cause shown to reply in writing within 14 days from the date of a second written demand by the Council requesting the member to reply to correspondence previously sent to the member by the Council provided such suspension of membership shall cease upon receipt of a written reply to such demand and to such correspondence.

### **1.11.2 Members of Interstate Controls**

**1.11.2.1** Should a person be disqualified, suspended or declared ineligible to compete by any member body of the Australian National Kennel Council ie. Royal New South Wales Canine Council Ltd.; Victorian Canine Association Inc.; Canine Control Council (Queensland); South Australian Canine Association Inc.; Canine Association of Western Australia Inc.; Canberra Kennel Association Inc.; North Australian Canine Association Inc., then such person shall not be eligible to compete or take part in any exhibition, held under the Regulations of the Tasmanian Canine Inc. nor obtain any of the rights and privileges herein provided for members of the TCA Inc..

## **1.12 Privileges of Membership**

Subject to the restrictions and limitations prescribed and obligations imposed by or pursuant to the Regulations, the Codes of Ethics, the privileges of membership shall be:

- 1.12.1 the right to vote at the Annual General Meeting and any Special General Meeting of the TCA;
- 1.12.2 the right of access to the TCA's library;
- 1.12.3 the right to enter the Trainee Judges Training and examination program in accordance with the Regulations ;
- 1.12.4 the right to be included on the list of Judges subject to the Regulations;
- 1.12.5 the right to register a prefix and to register in the pure breeds register such dogs bred or purchased by them as are eligible for such registration;
- 1.12.6 the right to exhibit or handle a dog at approved Exhibitions;
- 1.12.7 the right to nominate for or propose or second a candidate for election to the Council or to any other committee of the TCA and to vote in any ballots conducted for elections to such committee;
- 1.12.8 the right to offer them self for appointment to other committees of the TCA; and
- 1.12.9 the right to compete for any prize available for competition by members of the TCA.
- 1.12.10 Provided that an ordinary or dual member who resides outside the State of Tasmania shall not be entitled to the privileges granted by Sub-Rules .1, .7 and .8 of this Rule, and provided that a associate member shall not be entitled to the privileges granted by Sub-Rules .1, .3, .4, .5, .7 and .8 of this Rule.

## **1.13 No Proprietary Interest in Property of the TCA**

1.13.1.1 Membership of the TCA shall not be deemed to confer upon any member any right, title or interest , whether legal or equitable , in any real or personal property of the TCA.

## **1.14 Syndicated Dogs**

- 1.14.1 A dog or dogs on the main register may be co owned by a syndicate of members, provided that at least one member of the syndicate is a resident of the State of Tasmania
- 1.14.2 The syndicate must furnish in writing to the Executive Officer particulars of its constituent membership and contractual arrangements and any change therein that may occur from time to time.
- 1.14.3 The syndicate must nominate one syndicate member as the representative of the syndicate, and advise the Executive Officer in writing of such nominee. The syndicate nominee shall receive all notices from the TCA in relation to the syndicate or any dogs owned by the syndicate.
- 1.14.4 All transactions involving the syndicated dog or dogs must be signed by each member of the syndicate.
- 1.14.5 In all matters involving the syndicate, the Rules, Regulations, Codes of Ethics and decisions of the Council shall prevail.

### 1.15 Register of Members

- 1.15.1 Separate registers of all categories of membership shall be kept by the Executive Officer and shall contain the name and address, membership number and prefix (if any), of each member. The register of members shall be kept at the office of the TCA and shall be made available by the Executive Officer for inspection upon request by a member at a reasonable time in accordance with provisions of the Associations Incorporation Act 1964.
- 1.15.2 A member permitted to inspect the Register of Members must not use information about another member obtained from the Register of Members to contact or send materials to that other member and must not disclose information about another member obtained from the Register of Members knowing that the information is likely to be used to contact or send materials to that member.

### 1.16 Membership Subscriptions

A member of the TCA shall, upon admission to membership, pay to the TCA an initial membership subscription for the period which shall terminate at midnight on the last day of the month in which falls the anniversary of the date of admission as a member and, thereafter, on renewal of membership, shall pay to the TCA a membership renewal subscription at the rates determined from time to time by the Council. Membership shall lapse if not renewed within one calendar month of termination. In renewing membership each year, a member shall complete and sign the prescribed renewal of membership form. The financial year runs from 1st July in one year to the 30th June next following. Membership renewal due for all members 1st July each year. Pro rata membership joining fees to be offered to all members.

### 1.17 Members Liability Limited

The liability of a member of the TCA to contribute towards the payment of the debts and liabilities of the TCA or the costs, charges and expenses of a winding up of the TCA is limited to the amount, if any, unpaid by the member in respect of unpaid membership subscriptions and any other monies owing by them to the TCA for goods or services provided by the TCA to or at the request of the member.

### 1.18 Disciplining of Members

Members shall strictly observe and act in conformity with and not otherwise than in accordance with the Regulations, Codes of Ethics and Codes of Practice of the TCA and shall not conduct themselves in such a manner as to bring the TCA into disrepute or to bring themselves as a breeder, owner, exhibitor, handler, Show official, Judge or TCA member into disrepute

- 1.19 A member shall not knowingly enter a dog in, or exhibit, officiate or judge at, or in any way support or patronise an exhibition or any canine activity which has previously been declared "unrecognised" by the Council of the TCA.

- 1.20 A member shall supply such relevant information or evidence within their knowledge, pos-

session or control as requested by the Council within 14 days of receiving such request.

- 1.21 Where the Executive Officer receives a written complaint accompanied by the prescribed fee alleging misconduct, a breach of the Regulations, Codes of Ethics of the TCA, or a dispute between members, members and the TCA, or non-members and members, the Council shall have such matters considered by either an Investigations Committee appointed pursuant to the Regulations which may carry out an investigation of the matter including interviewing and/or corresponding with the complainants and other potential witnesses and the accused, or a Mediation Panel or Mediators appointed pursuant to the Regulations, who shall conduct Mediation in an attempt to resolve disputes between member and member, member and TCA, and non-member and member. The complaint shall be considered by the Chairpersons of the Investigations Committee and the Mediation Panel who shall determine whether the complaint is a matter for Investigations or Mediation or not a matter to be dealt with by the TCA.
  - 1.21.1 If, as a result of an investigation, the Investigation Committee believes that, prima facie, an accused has a case to answer for misconduct or a breach of the Regulations or one or other of the respective Codes and the matter is sufficiently serious to justify disciplinary proceedings the Investigations Committee shall, in writing, charge the person with such offence and furnish to that person full particulars of the charge and of the alleged incident giving rise to the charge, a copy of the Regulation/s under which the charge is brought and details of the date, time and place of the hearing of the charge allowing sufficient time to the person charged to prepare their defence and consult witnesses; and
  - 1.21.2 Direct the person charged to appear before a Disciplinary Committee appointed pursuant to the Regulations to be heard in answer to the charge and advise the person charged that they may bring to the hearing any witnesses or material in support of their evidence; and
  - 1.21.3 All subsequent disciplinary proceedings shall be conducted pursuant to the Regulations which shall provide for:
    - 1.21.3.1 the procedures to be observed by a Disciplinary Committee during the hearing of a charge or charges against a member; and
    - 1.21.3.2 any penalties which may be imposed by a Disciplinary Committee on a member found guilty of a charge or charges other than fines which are provided for under the provisions of the Commercial Arbitration Act 2011 as amended from time to time;
    - 1.21.3.3 any consequential matters resulting from the disqualification, suspension or expulsion of a member; and
    - 1.21.3.4 appeals by members to an Appeals Committee appointed pursuant to the Rules against the findings and/or penalties imposed on such members by a Disciplinary Committee.
  - 1.21.4 An Investigation Committee shall keep confidential the names of members who are subject to investigation, the names of witnesses and the circumstances of the investigation.
  - 1.21.5 A member of an Investigations Committee shall not be a member of, or otherwise participate in the deliberations or findings of, a Disciplinary Committee.
  - 1.21.6 A member of an Investigations Committee or Disciplinary Committee or Management Committee, or a person who presented evidence, or who gave evidence, against or for a person charged shall not be a member of, or vote on the decision of an Appeals Committee, provided that the chair of the Disciplinary Committee that heard the matter or his or her nominee shall be advised of the hearing of the appeal and invited to attend that hearing to respond to any requests for information made by the Appeals Committee.
  - 1.21.7 All members of the Disciplinary Committee, Investigations Committee and the Appeals Committee shall not participate in a debate or vote on:
    - 1.21.7.1 any matter directly concerning an Affiliate of which the member is an office bearer or an ordinary committee member; or

- 1.21.7.2 any contract in which the member or their immediate family, business partner or business associates or employer has a financial interest or in which the member has a direct personal interest or involvement other than as a member of Council or other committee of the TCA; or
- 1.21.7.3 any matter concerning a breach, or alleged breach of the Rules and/or Regulations, Codes of Ethics, Codes of Conduct or Codes of Practice of the TCA or concerning misconduct, or alleged misconduct, under such Rules and/or Regulations and/or the respective Codes, committed or allegedly committed by the Committee member or by any other person who, being a member of the TCA, is a member of the family of, or a close associate of, the Committee member
- 1.21.8 At all hearings of disciplinary charges and appeals, a member may appoint any person to act on the member's behalf.
- 1.21.9 With the exception of the automatic suspension of membership of a member as provided for in Rule 1.15 no member of the TCA shall be fined, disqualified, suspended or expelled from membership of the TCA or otherwise penalised without first being charged of misconduct or of a breach of the Regulations, Codes of Ethics or Codes of Practice and being provided an opportunity to be heard in answer to the charge in accordance with the principles of natural justice, provided that where the member charged has been notified by registered mail of the time, date and place of hearing on two occasions and has failed to attend the hearing without reasonable excuse, at the discretion of the convenor of the Disciplinary Committee the hearing may proceed in the absence of that member.
- 1.21.10 The Disciplinary Committee, having determined charges brought against a member to be proven, may elect not to impose a penalty or may otherwise penalise the member by way of a fine, and/or reprimand, disqualify, suspend or expel the member from the TCA.
- 1.21.11 A disqualified or suspended member of the TCA who is also an Office Bearer of an affiliated canine body shall cease to be an Office Bearer of such body during the term of disqualification or suspension.
- 1.22 Any person who is subject to any unpaid fine, disqualification, suspension or other penalty imposed by any other canine controlling body shall not be eligible to enter in, exhibit or judge at any Exhibition held in the State under the Rules and Regulations of the TCA provided that if such person is a member of the TCA and a resident of the State this Rule shall not apply until the Council has investigated the matter as provided for in the Regulations.
- 1.22 Following such investigation the Investigations Committee may charge and cause such member to be dealt with under the disciplinary Rules and Regulations.

### 1.23 Disputes and Mediation

- 1.23.1 The grievance procedure set out in this rule applies to disputes under these Rules between a member and another member; or a member and the TCA.
- 1.23.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 1.23.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days where possible, hold a meeting in the presence of a mediator.
  - 1.23.3.1 The mediator must be a person chosen by agreement between the parties; or in the absence of agreement;
  - 1.23.3.2 in the case of a dispute between a member and another member, a person appointed by the Council of the TCA; or
  - 1.23.3.3 in the case of a dispute between a member and the TCA, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Tasmania (Department of Justice).
- 1.23.4 A member of the TCA can be a mediator.

- 1.23.5 The mediator cannot be a person who is a party to the dispute.
- 1.23.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 1.23.7 The mediator, in conducting the mediation, must
  - 1.23.7.1 give the parties to the mediation process every opportunity to be heard: and
  - 1.23.7.2 allow due consideration by all parties of any written statement submitted by any party; and
  - 1.23.7.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 1.23.8 The mediator shall facilitate the process but must not determine the dispute.
- 1.23.9 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.
- 1.23.10 No member of the TCA shall have any claim or right of action whatsoever against:
  - 1.23.10.1 The TCA; or
  - 1.23.10.2 The Council of the TCA ; or
  - 1.23.10.3 Any other committees of the TCA or
  - 1.23.10.4 any members of such committees; or
  - 1.23.10.5 Any employee, agent or member of the TCA;
    - in respect of any act, matter or thing done or omitted to be done in good faith and purporting to be done in accordance with the Regulations during any investigation or disciplinary proceedings pursuant to Rule 1.20 and the Regulations pertaining thereto.
- 1.23.11 No member shall have any right of action against TCA under statute, contract or tort in respect of any financial loss which the member may suffer as a result of the actions of the Executive Officer and Field Officer taking action in respect to a dog or dogs registration status or a member's membership or prefix.

## **1.24 Removal of Member of Council**

- 1.24.1 The TCA in general meeting may by Special Resolution remove a member of Council from office before the expiration of the member's term of office and the vacancy thereby caused shall, subject to the Rules, continue until the next annual election.
- 1.24.2 Where a member of the Council to whom a proposed resolution referred to in Rule 1.24.1 relates makes representations in writing to the Executive Officer of the TCA the member may require the representations to be read out at a meeting at which the resolution is considered and/or they may attend the meeting and make oral representations and in every such case the Executive Officer shall send to the member a notice of the meeting setting out the terms of the Special Resolution at least twenty one days prior to the holding of the meeting and inform them that they may make written representations and/or attend the meeting and make oral representations

## **2 POWERS OF THE COUNCIL.**

- 2.1 To make Regulations, Codes of Ethics and Codes of Practice and to amend or repeal same and to formulate policies and procedures in respect of any relevant matter and to do all other acts, matters and things as may be necessary, expedient or desirable to promote and put into effect all or any of the Objectives/Statement of Purposes of the TCA or other matters incidental thereto.
- 2.2 To publish in the Gazette and on the TCA website monthly or periodically, all matters and items of

interest or concern to members and affiliated bodies.

- 2.3 To grant affiliation or associate affiliation to bona fide canine bodies and canine service organisations, respectively, and to make Regulations for that purpose.
- 2.4 To compile, maintain and keep current, registers of financial members, life members and affiliated bodies.
- 2.5 To compile, maintain and keep current, a register of pure bred registered dogs whelped in the State and pure bred dogs imported into and exported from the State which are registered on a canine register kept by a controlling body recognised as such by the TCA and such other registers as may be required from time to time.
- 2.6 To compile, maintain and keep current, a record of transfer of ownership of pure bred dogs and registered leases of pure bred dogs in respect of dogs transferred or leased between financial members and between such members and members of other interstate and territory controlling bodies.
- 2.7 To grant permission to affiliated bodies to hold and conduct exhibitions of pure bred registered dogs in the respective disciplines of exhibition and under the relevant Regulations.
- 2.8 To make and to publish Regulations for the holding and conduct of Exhibitions, and for the awarding and issuing of ANKC certificates and titles to dogs winning or qualifying for same in competition at Exhibitions.
- 2.9 To publish the Rules and Regulations and policies of the ANKC for the holding and conduct of Exhibitions.
- 2.10 To grant permission to approved charitable and fund raising organisations and non-affiliated bodies to hold and conduct sanctioned Shows under the relevant Regulations.
- 2.11 To promote and support approved canine festivals, displays, and kindred functions and entertainments and any other approved canine activities.
- 2.12 To make Regulations for the issuing of ANKC Export Pedigree Certificates for dogs exported from the State to overseas countries.
- 2.13 To give, or to make contributions towards, prize money, medals, trophies or other prizes to be competed for at Exhibitions.
- 2.14 To collect, verify and publish information relating to dogs including genetics, breeding programs, rearing of litters, dietary and veterinary articles, training and handling, and all other educational material for the benefit of members.
- 2.15 To provide the infrastructure to assist in the self education of Judges, Trainee Judges, Aspiring Judges, Stewards, Show Managers, Club Secretaries and Treasurers and to formulate and publish Regulations in respect of qualifications and examination requirements for Trainee Judges and Aspiring Judges in each discipline.
- 2.16 To publish each year a list of Judges and approved Trainee Judges.
- 2.17 To conduct seminars, conventions and conferences of members on selected topics.
- 2.18 To formulate, publish and amend or repeal Codes of Ethics and Codes of Practices.
- 2.19 To make Regulations and formulate procedures for dealing with complaints, the investigation of such complaints, the laying of any charges and for the hearing of such charges and for any resulting disciplinary measures to be taken and for the hearing of appeals from members against any disciplinary sanctions or penalties imposed on them or their dogs.

- 2.20 To adjudicate on protests or objections lodged by exhibitors at exhibitions or on appeals against decisions made at exhibitions.
- 2.21 To afford means for, and encourage, the amicable settlement of disputes and to prevent illegal and dishonest practices.
- 2.22 To encourage affiliates to resolve domestic disputes within their own organisations.
- 2.23 To determine from time to time membership subscriptions and all other fees necessary to carry out the Objectives/Statement of Purposes of the TCA or any of them.
- 2.24 To appoint or elect Committees and Sub-Committees and delegates subject to the Regulations.
- 2.25 To award life memberships of the TCA subject to the Regulations.
- 2.26 To hire or employ personnel on a permanent, casual, part time, contract or agency basis and to pay to them and to other persons salaries, wages, fees, gratuities and expenses for services actually rendered by them to the TCA.
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- 2.27 To engage or retain professional consultants on a fee or a commission basis.
- 2.28 To purchase, lease, hire or dispose of land and buildings, machinery, plant and equipment, motor vehicles, fixtures and fittings, office furniture and equipment and any other necessary chattels and to construct or erect on freehold land purchased or on leasehold land such buildings, and all other facilities and amenities which the Council considers necessary for carrying out the Objectives/Statement of Purposes of the TCA or any of them, subject to the Regulations
- 2.29 To borrow or raise money as the Council determines for the carrying out of the Objectives/ Statement of Purposes of the TCA or any of them subject to the Rules.
- 2.30 To invest the funds of the TCA not immediately required for its business operations or other commitments on interest bearing deposits, loans or in securities as prescribed in Section 6 Trustee Act 1898.
- 2.31 To make and publish Regulations (subject to the Rules) for holding annual elections of Office Bearers and ordinary members to the Council and for filling any casual vacancies on the Council.
- 2.32 To compile maintain and keep a separate register of Associate Dogs who are eligible to compete in Obedience Trials, Tracking Trials, Agility Tests or any other training activities approved and conducted by the TCA or any of its affiliated bodies
- 2.33 To hold Annual General Meetings of members each year and Special General Meetings of members when considered necessary by the Council or when requisitioned by members in accordance with the Regulations.
- 2.34 To publish in the TCA Gazette in the month preceding the Annual General Meeting of that year:
- 2.34.1 a detailed audited Departmental Income and Expenditure Account of the TCA for the year ended 30th June in the preceding year (including a detailed schedule in the Notes to the Accounts of the various individual categories of expenditure which, either singly or aggregated, exceed \$500 and which are incorporated in the total for Sundry Expenses) and a detailed audited balance sheet as at that date and annual reports of the President and the Chairpersons of other Committees;
  - 2.34.2 an Income and Expenditure Budget and Cash Flow Budget for the current year ending 30th June, such Budgets to include all proposed new capital works expendi-

ture, proposed expenditure on new projects undertaken or to be undertaken during the current year and the funding of same; and

2.34.3 an Expenditure Budget and Cash Flow Budget for the period 1st July to 30th September in the year following the current financial year, showing all proposed new capital works expenditure, proposed expenditure on new projects undertaken during the period and funding of same.

2.35 To make Regulations for the TCA to receive in trust the books, records, funds and property of unincorporated affiliated bodies which have been wound up, become defunct or been disaffiliated.

2.36 To do all such other things as the Council in its discretion considers as incidental or conducive to the attainment of the principal Objectives of the TCA or the fulfilment of its powers or any of them but subject always to strict compliance with the Regulations and with each of the Codes of the TCA and not otherwise.

2.37 To invest in a Company and or a Trust which has a specific purpose of owning and operating computer hardware and software which provides computer services to individuals and organisations including member bodies of the Australian National Kennel Council.

2.38 To make recommendation to the members for appointment of a Patron.

2.39 HONORARY TREASURER:

2.39.1 At a Special Meeting of the Council, there shall be elected from its members an honorary treasurer for a period of twelve (12) months, commencing on the date determined by the Council.

2.40 THE EXECUTIVE OFFICER:

2.40.1 The Executive Officer shall be appointed by the Council.

2.40.2 The Executive Officer shall have power to delegate any duties or functions herein to a deputy and shall have power to appoint representatives, within the respective zones, as may from time to time be deemed necessary, subject to the approval of the Council.

2.40.3 It shall be the duty of the Executive Officer to keep all books and accounts of the TCA Inc and the Executive Officer or an appointed deputy shall attend all meetings of the Council and all General Meetings and any other meetings at which his/her presence may be required and to keep all minutes of such meetings and generally perform all duties as are usually performed by any such officer in a like position.

2.40.4 The Executive Officer shall keep and maintain such registers and records as required by statute or as the Council may from time to time determine and in such manner as may be prescribed.

2.40.5 The Executive Officer shall pay or cause to be paid all monies of the TCA Inc into the bank account of the TCA Inc to its credit and shall keep proper accounts of monies received or dispersed.

2.40.6 Accounts shall be paid by a 'not negotiable' cheque, signed by two (2) persons duly authorised by the Council for this purpose or by other means as approved by the TCA Inc Council. Expenditure incurred on behalf of the TCA Inc shall be ratified by the Council at its next meeting.

2.40.7 The bank pass books, account books, certificates (investment and security), vouchers and any other books directly or indirectly connected with the financial affairs of the TCA Inc shall be the property of the TCA Inc and shall be produced to the Council whenever it so desires.

2.40.8 All funds, fees or monies due to the TCA Inc shall be payable at the TCA Inc office.

2.40.9 Receipts for such monies shall be valid only if on the official TCA Inc receipt form.

## 2.41 **COUNCIL MEETINGS:**

- 2.41.1 The Council shall meet as often as it deems necessary but not less than once each second calendar month.
- 2.41.2 At all meetings of the Council a quorum shall be 50% plus one (1) of the elected members.
- 2.41.3 The President or any three (3) members of the Council shall have power to call a meeting of the Council.

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## 2.42 **COMMITTEES:**

- 2.42.1 The Council shall have power to appoint committees to deal with any object, matter or thing within the Constitution and to delegate to such committees any of the functions and powers of the Council relating thereto, including the power to co-opt.
- 2.42.2 The President and Executive Officer shall be ex-officio members of all committees and shall not move and/or second and/or vote on any motion or matter.
- 2.42.3 At a Special Council Meeting in the month prior to the Annual General Meeting Council shall appoint members to the following committees:
  - 2.42.3.1 Agility Trials Committee
  - 2.42.3.2 Appeals Committee
  - 2.42.3.3 Audit Committee
  - 2.42.3.4 Canine Health Welfare Training Committee
  - 2.42.3.5 Conformation Judges Training Committee
  - 2.42.3.6 Discipline and Disputes Committee
  - 2.42.3.7 Herding Trials Committee
  - 2.42.3.8 Investigations Committee
  - 2.42.3.9 Junior Handlers Committee
  - 2.42.3.10 Library Committee
  - 2.42.3.11 Obedience, Tracking & Endurance Training Committee
  - 2.42.3.12 Public Education Committee
  - 2.42.3.13 Regulations Committee
  - 2.42.3.14 Retrieving & Field Trials
- 2.42.4 The quorum for all committees and Sub-Committees meetings shall be 50% of the members of such committees or sub-Committees, plus one providing at all times the minimum number of members at a committee or sub-committee meeting is not less than 3 (three) members
- 2.42.5 Council may appoint other committees and or sub committees at the Special Council Meeting providing the establishment of these committees or sub-committees is pursuant to the Objects of the Association.
- 2.42.6 Council shall determine the functions, duties, powers and scope of any committee or sub-committee appointed by Council.
  - 2.42.6.1 Any committee or sub-committee appointed or established at the special general meeting shall have the same powers and delegated authorities as any other committee or sub-committee appointed in accordance with 2.42.1 unless the TCA Council Inc specifies otherwise.

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## 2.43 **Discipline and Disputes Committee:**

- 2.43.1 There shall be a Disciplines and Disputes Committee of not less than 10 members appointed by the TCA Inc. Council giving due consideration to regional representation.
- 2.43.2 The TCA Inc. Council shall appoint 1 member of the Committee to be Chairman.
- 2.43.3 The functions of the Chairman shall be to:
  - 2.43.3.1 Select members from the panel of committee members to form a sub-committee for the purpose of conducting a hearing on a disciplinary or dispute matter or to undertake a mediation conference;
  - 2.43.3.2 Report and make recommendation to the TCA Inc. Council in relation to the operations of the sub-committee;
  - 2.43.3.3 Generally be responsible for the efficient and timely investigation, hearing, and mediation of all disciplines or disputes pursuant to the constitution and regulations of the TCA Inc.;
  - 2.43.3.4 Recommend to the Council any changes to the committee, constitution or operation of the sub-committees and the hearing or mediation committee guidelines;
  - 2.43.3.5 Act as the point of contact and generally report to the Council on all discipline, dispute and

mediation matters.

2.43.3.6 Upon the initiation of any discipline, dispute or mediation matter, the Chairman of the panel shall:

2.43.3.6.1 Select at least 4 members to constitute the sub- committee for the purpose of that particular inquiry;

2.43.3.6.2 Either chair the sub-committee or appoint one of the selected persons as chairman of the sub- committee for the purpose of that particular inquiry.

#### **2.44 Appeals Committee**

2.44.1 The Appeals Committee is to comprise twelve (12) members thus:-

2.44.1.1 A Chairperson and a Vice-Chairman to be appointed by the Council of the TCA at its Special General Meeting of Councillors, neither shall be a serving member of the Council of the TCA Inc.

2.44.1.2 The remaining ten (10) persons to be nominated and elected at the Annual General Meeting of members.

2.44.1.3 The Appeals Committee shall be convened by the Executive Officer to hear matters referred to it. The Executive Officer will arrange for the Chairman and/or Vice Chairman and any of the ten (10) to form a panel of five (5) members to hear matters.

2.44.2 The function and duty of the Appeals Committee is to hear and determine appeals from or against determinations made by the Discipline & Disputes Committee and decisions of any affiliate or decisions of Council of the TCA Inc. including decisions of the Council's Sub Committees.

2.44.3 Notwithstanding any other Clause of this Constitution or the Association's Regulations any member penalised by a decision of the Council of the TCA Inc. or any of its Sub Committees may within twenty one (21) days of the imposition of such penalty give notice of appeal against the decision.

2.44.4 The Chairperson of the Discipline & Disputes Committee shall attend the hearing of all appeals by the Appeals Committee and to provide to the Appeals Committee such assistance, information and advice as the Appeals Committee may reasonably require, but shall not take part in the determination of the appeal.

2.44.5 The Appeals Committee may determine its own procedures and regulate its own proceedings provided that, at all times, it complies with the Rules of natural justice.

2.44.6 The Appeals Committee may, upon hearing an appeal, exercise any or all of the powers conferred to the Council by or under this Constitution and the Regulations.

2.44.7 Accurate minutes of the business of all Council meetings and the proceedings of the Discipline & Disputes Committee and the proceedings of the Appeals Committee shall be recorded and confirmed, or corrected, at the next meeting of Council, the Discipline & Disputes Committee or the Appeals Committee, as the case may be.

2.44.8 Notwithstanding any other Clause of this Constitution or the Regulations, the proceedings of the Discipline & Disputes Committee shall be confidential unto the parties and neither the minutes of the proceedings or any determination made by the Discipline & Disputes Committee or the Appeals Committee may be published or communicated anywise however, save that:

2.44.8.1 The minutes of the proceedings of and the record of any determination made by the Discipline & Disputes Committee shall be provided to the Appeals Committee at the time and for the purpose of any appeal involving such determination.

2.44.8.2 If the time limit for appeal has expired, any determination made by the Discipline & Disputes Committee must be notified to the Council and may be published by the Council in such manner and in such form as the Council, in its unfettered discretion, determines.

2.44.8.3 Any determination by the Appeals Committee must be notified to Council, together with the determination of the Discipline & Disputes Committee or the decision of the affiliate to which the appeal relates, as the case may be and the result of the proceedings may be published in such manner and in such form as the Council, in its unfettered discretion, determines.

#### **2.45 Audit Committee**

2.45.1 The Council of TCA Inc. shall appoint an Audit Committee.

2.45.2 The Audit Committee's role is to assist the co-ordination of relevant activities of

management, the internal audit function and the external auditor in order to facilitate achieving overall organizational objectives in an efficient manner.

- 2.45.3 The Audit Committee shall consist of three members, one being the Chair, none of whom shall be members of the TCA Inc. Council.
- 2.45.4 All members of the Audit Committee shall have appropriate qualifications, training and/or experience in financial management and or business investigations.
- 2.45.5 The Audit Committee shall meet regularly but no less than three (3) times in each financial year.
- 2.45.6 The Audit Committee shall have access to all financial records of TCA Inc.
- 2.45.7 The Audit Committee may make recommendations to the Council of TCA Inc. regarding the financial management of TCA Inc., the appropriateness of reports being presented to Council and Members, and the procedures being undertaken by the Executive Officer and team to provide statistical data on relevant items of interest to Members of and for TCA Inc.
- 2.45.8 The Audit Committee shall report to each Annual General Meeting of members of TCA Inc. on its activities in the previous financial year.

### **3 Age Qualifications of Council**

The office bearers and ordinary members of the Council shall be elected from amongst the ordinary, dual and life members of the TCA, such members to be not less than 18 years of age when nominations for elections close.

### **4 Office Bearers Council**

4.1 The Office Bearers of the TCA shall be:

- 4.1.1 President; and
- 4.1.2 2 Vice Presidents and
- 4.1.3 Honorary Treasurer

4.2 The office of President of the TCA shall be filled by a member nominating for and being elected to that office by ballot of the membership of the TCA and

- 4.2.1 the term of office of President shall be for a period of 3 years commencing on the day following the date of the Annual General Meeting and thereafter every third year from that date and is eligible to serve multiple terms.
- 4.2.2 in the event of a casual vacancy occurring in the office of President such vacancy shall be filled by a Vice President who shall, ipso facto, be Acting President of the TCA and shall hold office as such until the next annual election when the vacancy shall be filled by a candidate nominating for and being elected by the membership to the office of President for the then unexpired term of office of their predecessor.

4.3 The office of Vice Presidents of the TCA shall be filled by a member nominating for and being elected to that office by ballot of the membership of the TCA and:

- 4.4.1 the term of office of Vice Presidents 1 & 2 shall be for an initial period commencing one day after the Annual General Meeting until the day following the date of the Annual General Meeting and every third year thereafter from that date.
- 4.4.2 in the event of a casual vacancy occurring in the office of Vice Presidents such vacancy shall be filled by an ordinary member of the Council elected by that Committee from amongst their number and such member shall hold office as Acting Vice President until the next annual election when the vacancy shall be filled by a candidate nominating for and being elected by the membership to the office of Vice President for the then unexpired term of office of their predecessor.

### **4.5 Ordinary Members of Council**

- 4.5.1 the term of office of an ordinary member of the Council shall be three years from the day following the date of the Annual General Meeting when they took office.

### **4.6 Casual Vacancies**

4.6.1 For the purpose of these Rules a casual vacancy in the office of an office bearer or an ordinary member of the Council occurs if the office bearer or ordinary member:

4.6.1.1 dies;

4.6.1.2 ceases to be a member of the TCA;

4.6.1.3 becomes an insolvent under administration;

4.6.1.4 resigns office by notice in writing addressed to the Executive Officer, such resignation is effective from the date it is received by the Executive Officer;

4.6.1.5 is removed from office under Rule 1.24

4.6.1.6 becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or

4.6.1.7 is absent without the consent of the Council from three successive scheduled meetings of the Committee;

4.6.1.8 takes up permanent residence outside the State.

4.6.2 In the event of one or more casual vacancies occurring in the offices of the ordinary members of the Council during the period between annual elections such vacancies, subject to Sub-Rule .3 of this Rule, shall continue until the next annual election when such vacancies, together with the three scheduled vacancies, occurring in the offices of the ordinary members of the Council each year, shall be filled from amongst the candidates nominating for all such vacancies who shall be elected on the principle that:

4.6.3 The candidates polling the three highest number of votes in the election ballot shall fill the three scheduled annual vacancies for a term of three years and

4.6.3.1 the remaining candidates who polled the next highest number of votes in descending order in the same election ballot, (limited to the number of casual vacancies) shall fill such vacancies commensurate with the descending order of the then unexpired terms of office for each casual vacancy commencing with the longest available of such unexpired terms of office.

4.6.4 In the event of three or more casual vacancies occurring in the offices of the office bearers and ordinary members of the Council from time to time, a Special Election to fill such vacancies shall be held as soon as practicable but otherwise in accordance with the Rules provided that a Special Election shall not be held where, pursuant to the Rules, the result would not be obtained prior to the close of nominations for the next scheduled annual election.

4.6.5 Office Bearer or Ordinary Member of Council to Stand Down from Office.

Any office bearer or ordinary member of the Council who, as a Plaintiff or Co-plaintiff, institutes any legal action after acceptance date of this Constitution against the TCA (except a legal action in respect of any personal injury sustained as a voluntary worker or as a member of the public whilst on TCA premises or on any other premises used or occupied by the TCA in respect of which the TCA is indemnified under its insurance policies) shall forthwith stand down from office pending judgement, settlement or withdrawal of the action.

## **5. Eligibility of Members to Vote at Elections**

5.1 A duplicate of the Register of ordinary, dual and life Members made up to the 31<sup>st</sup> January of each year shall constitute the Electoral Roll for each annual election and only the ordinary, dual and life members whose names appear on the Roll shall be entitled to receive ballot papers and such Electoral Roll shall close on the 31<sup>st</sup> January each year.

5.2 All ordinary, dual and life members as described in Rule 1.8.3.1 – 1.8.3.3 shall be on the Electoral Role

provided their membership is current by the 31<sup>st</sup> January when the Electoral Roll closes each year and provided that they are not ineligible at that date under Rule 1.9.5 or Rule 1.11.

- 5.3 The date of closing of the Electoral Roll shall be published in the January TCA Gazette each year.
- 5.4 Upon the closing of the Electoral Roll the Executive Officer shall certify the Roll and send it to the Returning Officer who shall forward to each member on the Roll a ballot paper and an envelope addressed to the Returning Officer for return of the ballot paper. An election shall not be invalidated by reason merely that ballot papers have been irregularly forwarded to persons who are not entitled to vote or have been omitted to be sent to members who have registered to vote, unless in the opinion of the Returning Officer the irregularity or omission may have affected the result of the election.
- 5.5 Those ordinary members eligible to vote at an election for Councillors must have been a financial member of the TCA Inc for a period of not less than three (3) months of the year preceding that in which the election is to be held and a current financial member as at the date designated by Council for such election.
- 5.6 In this Constitution, unless the context indicates to the contrary, 'financial member' in relation to a period of time means an ordinary member at least eighteen (18) years of age who has paid the fee prescribed for ordinary membership of the TCA Inc for the period for which such fee has been prescribed or is a Life Member and the member shall be resident in Tasmania.
- 5.7 An eligible financial member of the TCA Inc may cast a vote for not more than the number of candidates to be elected. The number of candidates to be elected who receive the highest number of votes shall be elected to the vacant positions. In the event of a tied vote for the last position the names of those candidates who receive the identical number of votes in the tie shall be subject to a simple draw and the winner of the draw shall be duly declared elected as a Councillor.
- 5.8 Members to whom a postal vote certificate and ballot-paper have been posted will not, under any circumstances be given a second ballot-paper and postal vote certificate. Completed ballot-papers and postal vote certificates are to be returned to the Returning officer (TEC) by 4 p.m. on the date nominated. Postal votes, unopened, shall be handed to scrutineers officiating at the poll.
- 5.9 The Council Candidate shall appoint a scrutineer of their choice.
- 5.10 Any Councillors, the term of whom expires on at midnight post the AGM (retirement date) in a year shall be deemed to continue in office and shall continue to exercise all the rights and powers of a Councillor and shall be subject to the duties of a Councillor until either the at midnight post the AGM immediately following the retirement date or until the conclusion of the first meeting of the Council held after the retirement date, whichever occurs first.
- 5.11 Where the term of a Councillor commences on (the commencement date) in a year the right of that Councillor to exercise any of the rights and powers of a Councillor and the duties of the Councillor as such shall be suspended either until 28th August immediately following the commencement date or until the conclusion of the first meeting of the Council held after the commencement date, whichever occurs first.
- 5.12 Clauses 10.1 and 10.4.8 shall not apply to the office of a Councillor during or in respect of any period during which the Councillor is deemed to continue in office by virtue of Sub-Clause
- 5.13 Clauses 10.1 and 10.4.8 shall apply to the office of a Councillor the rights and powers and duties of whom are suspended by virtue of Sub- Clause 9.7 of this Clause provided that the rights, powers and duties of any person appointed by the Council under those Clauses to that office during that period shall be suspended for the period provided by Sub-Clause 9.7.

## 6 Closing of Ballot.

The Executive Officer shall cause to be advertised in the TCA Gazette the date and time on which the ballot will close for each election in at least one Gazette issues preceding the month in which the ballot closes.

## 7 Election of Councillors

- 7.1 Annual elections shall be held in the month of March, except as provided for in Rules 4.3,4.4 and 4.5 with successful candidates taking office on the day following the date on which the Annual General Meeting of members of the TCA is held.
- 7.2 The personal profiles and photographs of candidates shall, if submitted by candidates, be published and given equal space in the first available issue of the TCA Gazette after nominations close.

- 7.3 A candidate may appoint a scrutineer who shall not be a candidate in the same election to represent them at the counting of votes by the Returning Officer in which event the candidate shall prior to the counting of votes commencing notify the Returning Officer in writing of the name and address of such scrutineer.
- 7.4 Candidates names on ballot papers shall be in random order determined by lot drawn by the Returning Officer.
- 7.5 Upon the nomination forms being certified by the Executive Officer the Returning Officer shall print, or cause to be printed, ballot papers with voting instructions printed thereon and envelopes provided.
- 7.6 In respect of each election of Councillors, the Council shall appoint a Returning officer the Tasmania Electoral Commission (TEC) (the Returning Officer) to conduct the election.
- 7.7 The election of Councillors shall be by ballot, and not less than twenty-eight (28) clear day's notice of election shall be given as prescribed in clause 12.1 hereof for Annual General Meetings.
- 7.8 Nominations for election as a Councillor shall be made on a form approved by the TEC and shall be submitted to the Returning Office (TEC) by the time specified in the notice of election.
- 7.9.1 Nominations should be made in a sealed envelope marked "Nomination form" and the Returning Officer (TEC) shall retain all such envelopes unopened until the time specified for nominations to close.
- 7.10 Immediately after the closing time for nominations, the Returning Officer (TEC) shall publicly open the sealed envelopes and check that the nominations are valid.
- 7.11 As soon as practicable after this time, the Returning Officer (TEC) shall announce the valid nominations and if a ballot is necessary, conduct a draw for position on the ballot paper.
- 7.12 At the conclusion of the electoral process, the Returning Officer (TEC) shall make a written Declaration of the result of the poll to the current Executive and Executive Officer and this declaration shall be final.

## **8 ELIGIBILITY TO NOMINATE FOR ELECTION:**

- 8.1 No person shall be eligible for election or appointment or be elected or appointed pursuant to this Clause unless the person at the time of closing of nominations:
- 8.1.1 Is an ordinary financial member of the TCA Inc and at least eighteen (18) years of age.
- 8.1.2 Has been a financial member of the TCA Inc, or an ANKC affiliated body, for a continuous period of no less than five (5) years.
- 8.1.3 Has served as a member of the Council of the TCA Inc. or of an ANKC affiliated body, defined in Clause 1.11.2, or has held an executive position on a body affiliated with the TCA Inc. or with a body affiliated with a member body of the ANKC for a period or periods in total of not less than two (2) years, has held an executive position on the committee of a body, incorporated under the Incorporations Act, for a period or periods in total of not less than two (2) years, in addition to having held an executive position on a body affiliated with the TCA Inc. or with a body affiliated with a member body of the ANKC for a period or periods in total of not less than one (1) year.
- 8.1.4 Executive positions are those of President, 2 Vice-Presidents, and Treasurer.

## **9 OFFICE OF COUNCILLOR BECOMING VACANT:**

- 9.1 If at any time insufficient persons are nominated for election at the annual elections, Council may fill the vacant seat only by holding a by-election.
- 9.2 Where a by-election is held as in 9.4 a notice shall be published in the press and/or by notice in the 'Gazette' not less than twenty-eight (28) days clear of Council's Special Meeting or the 30th September immediately following the annual election of Councillors which ever occurs first and eligibility to be nominated in accordance with Clauses 8.1 to 8.1.4.
- 9.3 If at any time a person appointed or elected as a Councillor:
- 9.3.1 Dies;
- 9.3.2 Resigns
- 9.3.3 Becomes bankrupt or enters into a scheme of arrangement whether formal or informal, or deed of assignment with is or her creditors
- 9.3.4 Becomes incapable of properly managing their property or affairs by reason of mental disease, disorder or incapacity
- 9.3.5 Does an act or makes an omission which constitutes a serious breach of this Constitution or any

rule or Regulations (including the Code of Ethics) made under this Constitution

- 9.3.6 Ceases to hold or, at the time of election, did not hold the qualifications prescribed in Clause 8, then the office of the Councillor shall become vacant.
- 9.3.7 The appointment of a person to take the office of Councillor the office of whom has become vacant or the term of office of whom has expired, shall be made as soon as possible after the office has become vacant or the term expired as the case may be subject to Clause 9.4.9.
- 9.3.8 The appointment of a Councillor may be made prior to the date on which the office of a Councillor has become vacant either by the efflux ion of time or otherwise but the appointment shall not take effect until the office has become vacant.
- 9.3.9 If the office of a person, elected as a Councillor, shall become vacant other than as a result of the effluxion of the term for which they were elected the Council may appoint a person to the office of that Councillor for the unexpired part of the term of that Councillor. Upon such appointment being made, the person so appointed shall be deemed to be an elected Councillor within the meaning and for the purpose of Clause 10.
- 9.3.10 If at any time insufficient persons are nominated for election at the normal annual elections Council may fill the vacant seat only by holding a by-election.
- 9.3.11 Shall be published in the press and by notice in the 'Gazette', not less than twenty-eight (28) days clear of the Council Special Meeting or the 30th September immediately following the normal annual election of Councillors which ever occurs first.
- 9.3.12 Eligibility to nominate is in accordance with Clause 8.
- 9.3.13 Where a position on Council becomes vacant and there is less than three (3) months to serve until the next election the position is not to be filled and the quorum adjusted accordingly.

Where a position on Council becomes vacant and there is where more than three (3) months and twelve (12) months or less to serve then Council shall appoint a member to Council until the next annual election.

At the next annual election the vacant position is to be filled per the normal election

## **10 LEAVE OF ABSENCE:**

- 10.1 Notwithstanding any other Clause in this Constitution Council may, at any time and from time to time, grant to a member of the Council leave of absence for such period or periods of time as the Council may determine.
- 10.2 During any period of time that a Councillor is granted leave of absence by the Council, they shall be relieved of any and all duties that would otherwise be required to be performed as a Councillor and without the loss of generality including attendance at meetings of the Council.
- 10.3 For the duration of any period of time for which the Council grants leave of absence to a Councillor, the office of that Councillor shall be deemed to have become vacant and Council may exercise the powers confirmed to it under Sub-Clause 9.4.9, in respect of the period of leave of absence or any part of such period as the Council may determine.

**10.4** A member of any committee or sub-committee who is party to any dispute or action against a TCA Inc affiliate or member of the TCA Inc shall, immediately upon becoming aware of his or her involvement in such dispute or action, stand down from any committee or sub- committee of which he or she is a member.

**10.5** Any Councillor who is aware that he/she will be unable to attend two (2) or more consecutive meetings of the Council shall be required to make application to the Council for leave of absence, in accordance with Clause 10.1 of this Constitution.

**10.6** A Councillor who is absent from four (4) or more meetings of the Council within a period of twelve (12) months from the Annual General Meeting of the T.C.A. Inc in one year to the Annual General Meeting of the T.C.A. Inc in the following year shall be required to tender his/her resignation except where it can be shown without a doubt that the Councillor was required to perform his normal employment he shall be asked to show reason why he should not be required to resign.

## **11 Auditor**

There shall be an Auditor of the TCA who shall be appointed by the members of the TCA at an Annual

General Meeting or Special General Meeting for such a term and at such a fee and upon such conditions as the members may from time to time think fit. The members shall have the power to terminate any such appointment and make a fresh appointment.

## 12 ANNUAL GENERAL MEETINGS

### 12.1 Annual General Meetings - Holding Of

The TCA shall convene an Annual General Meeting of its members within three months after the end of the financial year.

### 12.2 Annual General Meetings - Calling of and Business At

12.2.1 The Annual General Meeting of the TCA shall, subject to Rule 12.1, be convened on a Saturday, Sunday or a public holiday and be held alternatively in Hobart and Launceston. The date of the Annual General Meeting shall be set two (2) years in advance.

12.2.2 In addition to any other business of which notice has been received and published in the notice convening the meeting the business of the Annual General Meeting shall be:

12.2.2.1 to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting; and

12.2.2.2 to receive the audited Departmental Income and Expenditure Account of the TCA for the last preceding financial year ended on 30th June and the Balance Sheet as at that date; and

12.2.2.3 to receive from the President and the Chairpersons of other nominated committees their respective reports upon the activities of the TCA during the last preceding financial year; and

12.2.2.4 to receive and approve the Income and Expenditure Budget and Cash Flow Budget for the current year ending 30th June;

12.2.2.5 to receive and approve the Expenditure Budget and Cash Flow Budget for the period 1<sup>st</sup> July to 30th September in the year following the current financial year;

12.2.2.6 to appoint or reappoint Auditors for the current financial year.

12.2.2.7 to announce the results of the annual elections for Council positions.

12.2.3 At all Annual General Meetings of the TCA no business shall be considered or discussed other than that of which notice has been given on the notice convening the Meeting or any business which, in the opinion of the Chairperson, shall arise out of such business.

12.2.4 An Annual General Meeting shall be specified as such in the notice convening it.

### 12.3 Notice of Meeting

12.3.1 The Executive Officer shall, at least 21 days before the date fixed for the holding of the General Meeting, notify each member of the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

12.3.2 Notice of the meeting shall be deemed to have been given to each member if it is:

12.3.2.1 published in the Gazette; or

12.3.2.2 published in one of the daily newspapers circulating in the city of Hobart, Launceston and NW Coast; or

12.3.2.3 sent by prepaid post to each member at the members address appearing in the register of members referred to in Rule 1.14.

12.3.3 A member desiring to bring any business before an Annual General Meeting shall give notice in writing of that business to the Executive Officer by no later than 31st July who shall include the business in the next notice calling an Annual General Meeting given after receipt of the notice from the member.

12.3.4 A notice received shall show the names and TCA membership number of the mover and seconder of the item/s of business.

## **12.4 Procedure, Quorum and Adjournments**

- 12.4.2 No item of business shall be transacted at an Annual General Meeting unless a quorum of members entitled under these Rules to vote is present during the time the meeting is considering that item.
- 12.4.3 Twenty (20) members present in person (being members entitled under these Rules to vote at the meeting) constitute a quorum for the transaction of the business of an Annual General Meeting.
- 12.4.4 If within half an hour after the appointed time for the commencement of the meeting a quorum is not present the meeting shall stand adjourned to the same day in the following week at the same time and at the same place unless another place is specified at the time of the adjournment by the person presiding at the meeting.
- 12.4.5 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, those members who are present and entitled to vote shall be deemed a quorum to validly transact the business for which the meeting was called.

## **12.5 Presiding Member**

- 12.5.2 The President or, in the President's absence the Vice President, shall preside as Chairperson at each Annual General Meeting of the TCA.
- 12.5.3 If the President and the Vice President are absent from the meeting or unwilling to act the members present shall elect one of their number to preside as the Chairperson at the meeting.
- 12.5.4 The decision or ruling of the Chairperson on any motion, result of votes cast or of a division, point of order,  
  
procedure or other matter shall be final except when a motion of dissent from the Chairperson's decision or ruling is passed as an ordinary resolution by members in attendance at the Meeting when such resolution shall prevail.

## **12.6 Adjournment When Quorum Present**

- 12.6.2 The Chairperson of an Annual 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 subject to a specified date, time and place being agreed to in each instance prior to adjournment by the majority of members in attendance 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.
- 12.6.3 Where an Annual General Meeting is adjourned for 14 days or more, the Executive Officer shall notify each member of the TCA of the adjourned meeting in the manner specified in Rule 12.3.2.
- 12.6.4 Except as provided in Sub-Rules .1 and .2 of this Rule notice of an adjournment of an Annual General Meeting or of the business to be transacted at the adjourned meeting is not required to be given.

## **12.7 Making of Decisions**

- 12.7.1 A question arising or a resolution moved at an Annual General Meeting of the TCA shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll or division is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, 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 TCA, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 12.7.2 At an Annual General Meeting of the TCA a poll or division may be demanded by the Chairperson or by not less than 10 members present in person at the meeting.
- 12.7.3 Where the poll or division is demanded at the meeting, the poll or division shall be taken:
  - 12.7.5 immediately in the case of a poll or division which relates to the election of the Chairperson of the meeting or to the question of an adjournment; or
  - 12.7.6 in any other case in such manner and at such time before the close of the meeting as the Chairperson directs and the resolution of the poll or division on the matter shall be deemed to be the resolution of the meeting on the matter.

- 12.7.7 For the purpose of counting votes on a show of hands, or on a poll or a division, the members present at the commencement of the meeting shall by ordinary resolution appoint three scrutineers from amongst the members present thereat.

## 12.8 Special Resolution

A resolution of members is a Special Resolution if it is passed by a majority which comprises not less than seventy five per cent in number of such members of the TCA present in person and entitled to vote and voting on the resolution at a meeting of which not less than 21 days written notice specifying the intentions to propose and move the resolution as a Special Resolution was given in accordance with these Rules.

## 13 Voting

13.1 Upon any question arising or upon any resolution being moved at an Annual General Meeting of the TCA an ordinary, dual or life member has one vote per each member.

13.2 All votes shall be given personally.

13.3 In the case of an equality of votes on a question or resolution at the meeting the Chairperson of the meeting is entitled to exercise a second or casting vote.

13.4 An ordinary, dual or life member is not entitled to vote at any Annual General Meeting of the TCA unless all money due and payable by the member to the TCA has been paid.

13.5 A junior or **companion** member is not entitled to a vote at any Annual General Meeting of members of the TCA

## 13.6 Proxies

13.6.1 Proxies are expressly precluded at all Annual General Meetings of the TCA.

## 13.7 Minutes of Meetings

14.7.1 The Minutes of the Annual General Meeting of members, shall be published in the next available issue of the TCA Gazette.

## 14 SPECIAL GENERAL MEETINGS

### 14.1 Special General Meetings - Calling of

14.2 The President or a majority of the other members of the Council may convene a Special General Meeting of the TCA.

14.2.1 The President or a majority of the other members of the Council shall on the requisition in writing of not less than fifty members convene a Special General Meeting of the TCA.

14.2.2 A requisition of members for a Special General Meeting:

14.2.2.1 shall state the purpose or purposes of the meeting;

14.2.2.2 shall be signed by members making the requisition together with endorsement of TCA membership number for each person.

14.2.2.3 shall be lodged with the Executive Officer; and

14.2.2.4 may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

14.2.3 A Special General Meeting shall be specified as such in the notice convening it.

### 14.3 Notice

14.3.1 The Executive Officer shall, at least 21 days before the date fixed for the holding of the

Special General Meeting, notify each member of the place, date and time and location central to the membership of the meeting and the nature of the business proposed to be transacted at the meeting.

14.3.2 Notice of the meeting shall be deemed to have been given to each member if it is:

14.3.2.1 published in the Gazette; or

14.3.2.2 published in one of the daily newspapers circulating in the city of Hobart, Launceston, N.W.C.;  
or

14.3.2.3 sent by prepaid post to each member at the members address appearing in the register of members referred to in Rule 1.15.

14.4 No business other than that specified in the notice convening a Special General Meeting shall be transacted at the meeting.

14.4.1 A member desiring to bring any business before a Special General Meeting shall give notice in writing of that business to the Executive Officer who shall include the business in the next notice calling a Special General Meeting given after receipt of the notice from the member.

14.4.2 A notice received shall show the names of the mover and seconder of the item/s of business.

## 15 Procedure, Quorum and Adjournments

15.1 No item of business shall be transacted at a Special General Meeting unless a quorum of members entitled under these Rules to vote is present during the time the meeting is considering that item.

15.2 Fifty (50) members present in person (being members entitled under these Rules to vote at the meeting) constitute a quorum for the transaction of the business of a Special General Meeting.

15.2 If within half an hour after the appointed time for the commencement of the 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 at the same place unless another place is specified at the time of the adjournment by the person presiding at the meeting.

15.3 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting those members who are present and entitled to vote shall be deemed a quorum to validly transact the business for which the meeting was called.

### 15.4 Presiding Member

15.4.1 The President or, in the President's absence, the Vice President, shall preside as Chairperson at each Special General Meeting of the TCA.

15.4.2 If the President and the Vice President are absent from the meeting or unwilling to act the members present shall elect one of their number to preside as Chairperson at the meeting.

15.4.3 The decision or ruling of the Chairperson on any motion, result of votes cast or of a division, point of order, procedure or other matter shall be final except when a motion of dissent from the Chairperson's decision or ruling is passed as an ordinary resolution by members in attendance when such resolution shall prevail.

### 15.5 Adjournment when Quorum Present

15.5.1 The Chairperson of a Special 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, subject to a specified date, time and place being agreed to in each instance prior to adjournment by the majority of members in attendance 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.

- 15.5.2 Except as provided in Sub-Rules .1 and .2 of this Rule, notice of an adjournment of a Special General Meeting or of the business to be transacted at the adjourned meeting is not required to be given.
- 15.5.3 Except as provided in Sub-Rules 15.5.1 and 15.5.2 of this Rule, notice of an adjournment of a Special General Meeting or of the business to be transacted at the adjourned meeting is not required to be given.

## 15.6 Making of Decisions

15.7.1 A question arising or a resolution moved at a Special General Meeting of the TCA shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll or division is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, 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 TCA, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

15.7.2 At a Special General Meeting of the TCA, a poll or division may be demanded by the Chairperson or by not less than 10 members present in person at the meeting.

15.7.3 Where the poll or division is demanded at the meeting the poll or division shall be taken:

15.7.3.1 immediately in the case of a poll or division which relates to the election of the Chairperson of the meeting or to the question of an adjournment; or

15.7.3.2 in any other case, in such manner and at such time before the close of the meeting as the Chairman directs and the resolution of the poll or division on the matter shall be deemed to be the resolution of the meeting on the matter.

15.7.4 For the purpose of counting votes on a show of hands, or on a poll or a division the members present at the commencement of the meeting, shall by ordinary resolution appoint three scrutineers from amongst the members present thereat.

## 16 Special Resolution

16.1 A resolution of members is a Special Resolution if it is passed by a majority which comprises not less than seventy five per cent in number of such members of the TCA present in person entitled to vote and voting on the resolution at a meeting of which not less than 21 days written notice specifying the intentions to propose and move the resolution as a Special Resolution was given in accordance with these Rules.

### 16.2 Voting

16.2.1 Upon any question arising or upon any resolution being moved at a Special General Meeting of the TCA an ordinary, dual or life member has one vote per each member.

16.2.2 All votes shall be given personally.

16.2.3 In the case of an equality of votes on a question or resolution at the meeting, the Chairperson of the meeting is entitled to exercise a second or casting vote.

16.2.4 An ordinary, dual or life member is not entitled to vote at any Special General Meeting of the TCA unless all money due and payable by the member to the TCA has been paid.

16.2.5 A junior or companion member is not entitled to a vote at any Special General Meeting of members of the TCA

### 16.3 Proxies

16.3.1 Proxies are expressly precluded at all Special General Meetings of the TCA.

#### 16.4 Minutes of Meetings

The minutes of Special General Meetings, of members, shall be published in the next available issue of the TCA Gazette.

### **17 MISCELLANEOUS**

#### 17.1 Insurance

The TCA shall effect and maintain such insurances as are considered by the Council to be appropriate.

#### 17.2 Funds - Source

17.2.1 The funds of the TCA shall be derived from initial and subsequent annual subscriptions, registration and other fees, surcharges, monies received from Affiliates, fines, Gazette sales and advertising therein, interest, donations, and other sources as is determined from time to time.

17.2.2 Where considered appropriate by the Executive Officer, as soon as practicable after receiving any money, a receipt may be issued.

#### 17.3 Funds - Management, Signing of Cheques etc.

17.3.1 The funds of the TCA shall be used in pursuance of the objects of the TCA in such manner as is determined from time to time.

17.3.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by such person or persons as the Council may from time to time determine.

#### 17.4 Reimbursement of Expenses

The Council may pay or reimburse the amount of any travelling or any other expenses properly incurred by a member in the performance of any services to the TCA which have been properly authorised or requested by the Council including any expenses or costs suffered by a member in respect of which the TCA would have been vicariously liable.

#### 17.5 Property

17.5.1 The income and property of the TCA whencesoever derived shall be applied solely towards the promotion of the objects of the TCA and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit or gain to the members of the TCA provided that nothing therein shall prevent the payment in good faith of reasonable and proper remuneration to any officer or servant of the TCA or to any member of the TCA in return for any services actually rendered to the TCA and shall not prevent the payment for out of pocket expenses, interest on money borrowed, or reasonable and proper rent for the premises demised or let by an officer or servant of the TCA or member of the TCA.

17.5.2 The TCA shall not be dissolved except at a Special General Meeting of the TCA specially convened for the purpose and by a Special Resolution carried by a majority of at least seventy five per cent of the votes recorded in respect of the same. If upon the winding up or dissolution of the TCA there remains, after the satisfaction of all its debts and liabilities and the costs and expenses of winding up, any property whatsoever the same shall not be paid to or distributed amongst the members of the TCA but shall be given or transferred to some other organisation or institution having objects similar or in part similar to the objects of the TCA and which shall also prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the TCA Such organisation or institution to be determined by the members of the TCA at or before the time of dissolution or in default thereof by a Judge of such Court as may have or acquire jurisdiction in the matter.

#### 17.6 Gazette

17.6.1 The TCA may publish a monthly, or Bi-Monthly Gazette in such form and containing such matter

as the Council may from time to time direct and the Editor shall be appointed by the Council

17.6.2 That wheresoever appearing in the TCA Rules, the requirement to “publish” shall have the same meaning as defined in the TCA Regulations where “publish” is defined as “means to make publicly or generally known by advertisement, magazine, printed document or electronic means including posting on the TCA website”.