



## THE BEEF SHORTHORN SOCIETY OF AUSTRALIA INCORPORATED

### **RULES**

#### **NAME**

1. The name of the incorporated society is The Beef Shorthorn Society of Australia Incorporated (in these Rules called 'the Society').

#### **INTERPRETATION**

2. (1) In these Rules, unless the contrary intention appears: -

'Council' means the Council of the Society. 'Financial year' means the year ending on 31st December. 'General Meeting' means a general meeting of members convened in accordance with Rules 12 and 14. 'Member' means a member of the Society. 'The Act' means the Associations Incorporation Act 1981. 'The Regulations' means regulations under the Act.

- (2) In these Rules, a reference to the Secretary of the Society is a reference: -

- (a) where a person holds office under these Rules as secretary of the Society - to that person; and

- (b) in any other case, to the public officer of the Society.

- (3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

#### **APPLICATION FOR MEMBERSHIP**

3. (1) Any person, firm, company or organisation ('a person') who or which is nominated and approved for membership as provided in these Rules is eligible to be a member of the Society on payment of any entrance fee and annual subscription payable under these Rules. Every such firm, company or organisation shall nominate a natural person who shall be entitled as representative of such firm, company or organisation to exercise the membership privileges of the member.

- (2) A person who is not a member of the Society at the time of the incorporation of the Society (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership: -

- (a) unless he, she or it forwards his/her/its name and address and application for membership to the Secretary; and

- (b) his/her/its admission as a member is approved by the Council.

- (3) As soon as practicable after the receipt of an application, the Secretary shall refer the application to the Council.

- (4) Upon an application being referred to the Council, the Council shall determine whether to approve or reject the application. The Council has an absolute discretion to reject any application without assigning any reason therefore.



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- (5) Upon an application being approved by the Council, the Secretary shall, with as little delay as possible, notify the applicant in writing that he, she or it is approved for membership of the Society and request payment within the period of 28 days after the receipt of the notification of any sum payable under these Rules as the entrance fee and the first year's annual subscription.
- (6) The Secretary shall, upon payment of the amount or amounts referred to in sub-clause (5) within the period referred to in that sub-clause, enter the applicant's name in the register of members kept by him or her and, upon the name being so entered, the applicant becomes a member of the Society.
- (7) A right, privilege or obligation of a person by reason of his/her/its membership of the Society: -
  - (a) is not capable of being transferred or transmitted to another person;
  - (b) terminates upon the cessation of his/her/its membership whether by death, resignation, becoming insolvent under administration within the meaning of the Companies (Victoria) Code, or otherwise.

### **ENTRANCE FEE AND ANNUAL SUBSCRIPTION**

4. (1) The Council may from time to time determine whether an entrance fee shall be payable, and the amount thereof.
- (2) The Council shall determine the amount of the annual subscription payable by members, Associate members and Junior members from time to time, and the date by which the same is payable.

### **REGISTER OF MEMBERS**

5. The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer. Such register shall include also the names of all Honorary, Life, Associate and Junior members, whose membership status shall be identified therein.

### **MEMBER IN ARREARS OF PAYMENT OF ANNUAL SUBSCRIPTION**

6. No member whose subscription is in arrears shall be entitled to vote at any meeting or be elected to any office, save that any member whose membership commences by payment of the initial subscription on or after the first day of October of a Society financial year shall be deemed to be a member whose subscription is not in arrears during the Society's financial year next following.

### **ASSOCIATE AND JUNIOR MEMBERS**

7. Subject to the approval of Council:
  - (a) any person may be enrolled as an Associate member of the Society;
  - (b) any person under 18 years of age may be enrolled as a junior member of the Society.



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Such members shall be subject to all the obligations attaching to full membership and entitled only to such privileges as may be from time to time determined by Council. Neither Associate or Junior members shall hold office or vote at any meeting of the Society.

### HONORARY AND LIFE MEMBERS

8. The Council may from time to time, as it deems desirable, determine that any person shall be appointed an Honorary or Life member of the Society. Any person so appointed shall be entitled to exercise all the rights and privileges of an ordinary member, but shall be freed of an obligation to make any payment of entrance fee or annual subscription during the period of such membership.

### FEES GENERALLY

9. Additional to the power conferred by Rule 4, the Council is empowered to fix and to vary from time to time all fees and charges levied or to be levied by the Society.

### RESIGNATION AND EXPULSION OF MEMBER

10. (1) Any member wishing to resign his, her or its membership must do so by giving one month's written notice to the Secretary, but no such resignation shall relieve any member from payment of any back subscriptions or other moneys due by him, her or it to the Society at the time such resignation takes effect.  
  
(2) Upon the expiration of a notice given under sub-rule (1), the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given ceased to be a member.
11. (1) Subject to these Rules, the Council may by resolution:
  - (a) expel a member from the Society;
  - (b) suspend a member from membership of the Society for a specified period; or
  - (c) fine a member in accordance with the Regulations, if the Council is of the opinion that the member:
    - (i) has refused or neglected to comply with these rules; or
    - (ii) may have been guilty of misrepresentation, deception, fraud or improper conduct in relation to any registration, entry in the Beef Shorthorn or Australian Shorthorn Herd Book, ownership, age, record, sale or exhibition of any animal, or who may have been guilty of any conduct or practice unbecoming a member of the Society or prejudicial to the interests of the Society.
- (2) A resolution of the Council under sub-clause (1):
  - (a) does not take effect unless the Council, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (3) confirms the resolution in accordance with this clause; and
  - (b) where the member exercises a right of appeal to the Society under this clause, does not take effect unless the Society confirms the resolution in accordance with this clause.



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- (3) Where the Council passes a resolution under sub-clause (1), the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing:
  - (a) setting out the resolution of the Council and the grounds on which it is based;
  - (b) stating that the member may address Council at a meeting to be held not earlier than 14 and not later than 28 days after the service of the notice.
  - (c) stating the date, place and time of that meeting;
  - (d) informing the member that he, she or it may do one or more of the following:
    - (i) attend that meeting;
    - (ii) give to the Council before the date of that meeting a written statement seeking the revocation of the resolution;
    - (iii) not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that he, she or it wishes to appeal to the Society at a general meeting against the resolution.
- (4) At a meeting of the Council held in accordance with sub-clause (2), the Council:
  - (a) shall give to the member an opportunity to be heard;
  - (b) shall give due consideration to any written statement submitted by the member; and
  - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the Secretary receives a notice under sub-clause (3) (d) (iii), he or she shall notify the Council and the Council shall convene a general meeting of the Society to be held within 21 days after the date on which the Secretary received the notice.
- (6) At a general meeting of the Society convened under sub-clause (5):
  - (a) no business other than the question of the appeal shall be transacted;
  - (b) the Council may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - (c) the member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (7) If at the general meeting:
  - (a) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
  - (b) in any other case, the resolution is revoked.



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### **ANNUAL GENERAL MEETING**

12. (1) The Society shall in each calendar year convene an annual general meeting of its members.
- (2) The annual general meeting shall be held on such day as the Council determines.
- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the annual general meeting shall be:
  - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive and consider that statement submitted by the Society in accordance with section 30(3) of the Act.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- (6) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

### **SPECIAL GENERAL MEETING**

13. All general meetings other than the annual general meeting shall be called special general meetings.
14. (1) The Secretary shall convene a special general meeting of the members of the Society:
  - (a) if directed by the President or any five Councillors in writing so to do;
  - (b) if required in writing signed by at least ten per cent of the members of the Society so to do.
- (2) The requisition for a special general meeting shall state the subjects of the meeting and shall be signed by the Councillors or members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- (3) If the Council does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the Councillors or members making the requisition, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (4) A special general meeting convened by Councillors or members in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Council and all reasonable expenses incurred in convening the meeting shall be refunded by the Society to the persons incurring the expenses.



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### NOTICE OF MEETING

15. (1) The Secretary of the Society shall, at least 30 days before the date fixed for holding a general meeting of the Society, cause to be sent to each member of the Society at his, her or its address appearing in the register of members, a notice by pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting. Notice shall be deemed to be given on the date on which it is posted by the Secretary.
- (2) No business other than that set out in the notice convening the meeting shall be transacted in the meeting.
- (3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

### PROCEEDINGS AT MEETINGS

16. (1) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specifically referred to in these Rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
  - (2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these Rules to vote is considering that item.
  - (3) 12 members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
  - (4) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 8) shall be a quorum.
17. The President shall preside at all general meetings of the Society. In his or her absence one of the Vice Presidents (as determined by the meeting) or if there be no Vice President present then a Councillor (as determined by the meeting) shall preside.
  18. (1) The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
  - (2) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
  - (3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an



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adjournment or of the business to be transacted at an adjourned meeting.

19. A question arising at a general meeting of the Society shall be determined on a show of hands and unless before on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Society is evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
20. (1) Upon any question arising at a general meeting of the Society, a member has one vote only.
  - (2) All votes shall be given personally or by proxy.
  - (3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
21. (1) If at a meeting a poll (as distinct from a vote on a show of hands) on any question is demanded by a member personally present, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
  - (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.
22. (1) Each member shall be entitled to appoint another member as his or her proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
  - (2) The notice appointing the proxy shall be in the form set out in Appendix 1.

### **COUNCIL**

23. (1) The business and affairs of the Society shall be under the management of a council constituted as provided by Rule 25.
  - (2) The Council:
    - (a) shall control and manage the business and affairs of the Society;
    - (b) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Society other than any powers and functions that are required by these Rules to be exercised by general meetings of the members of the Society; and
    - (c) subject to these Rules, the Regulations and the Act, has power to perform all such acts and things as appear to the Council to be essential for the proper management of the business and affairs of the Society.
    - (d) without any way limiting the powers of the Council aforesaid it is exclusively empowered to:
      - (i) appoint a Secretary and fix the conditions of his employment and the



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remuneration for his or her services;

- (ii) appoint, in its discretion, Patrons and Vice Patrons of the Society;
- (iii) provided the details of the proposed amendment have been sent to each Councillor and the Secretary of each State Committee at least 30 days prior to the date of the meeting, make, amend, enlarge or revoke such by-laws, Rules and Regulations, other than alterations to the Purposes of the Society or these Rules, as it deems necessary for effectively carrying out the purposes of the Society or any of them.

### CREATION OF STATE COMMITTEES

24. (a) The Council may authorise the creation of a committee of the members of a State. Where the formation of a State Committee was authorised by the Council of the previous unincorporated association, such authorisation shall be deemed to continue as and from the date of incorporation.
- (b) In the event that there are less than eight members of the Society resident in a State:
- (i) such members may meet and by simple majority resolve to request the Council to deem that they be resident in a contiguous State (to be specified in such resolution) and the Council shall thereupon deem such members to be resident accordingly; or
  - (ii) the Council may resolve that such members be deemed to be resident in a specified contiguous State.
- (c) Subject to sub-clauses (a) and (b) hereof, the members resident and/or deemed to be resident in a State shall elect a Committee, of such size as such members determine, to deal with such matters internal to that State as may from time to time arise. Each State Committee shall have power to draw up Rules and Regulations for conducting affairs of the Society internal to that State (and of any State whose members have been deemed resident in that first mentioned State), but in no case shall such Rules and Regulations conflict with the Act, the Regulations, the Statement of Purposes, the Rules of the Society or any regulations made by Council. Each State Committee shall elect a President and such other office bearers as it determines. Each State Committee shall draw up a panel of judges for Country Shows to be held in that State (and in any State whose members have been deemed resident in that first mentioned State). A State Committee may apply in any year for a grant to cover State expenses in the year next following. The Council shall determine, if and when any such application is made, whether a grant shall be made, and if so, the amount of any such grant.
- (d) The Council may require that a State Committee, in support of an application made for a grant to cover State expenses (as referred to in sub-clause (c) hereof), shall submit to the Council an audited statement of the financial year of the State Committee immediately preceding the year for which the grant is sought; and there shall be compliance with any such requirement.



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### CONSTITUTION OF COUNCIL

25. The Council shall be constituted as follows:

- (a) Subject to sub-clause (c) hereof, each State which has not less than eight members resident and/or deemed to be resident therein, and which has a properly constituted State Committee, shall be entitled to appoint two Councillors for the first ten members so resident and/or deemed to be resident in that State, and one additional Councillor for each additional ten members or part thereof, provided that the total number of Councillors from any one State shall not exceed ten; provided further that, in determining the number of Councillors to which that State is entitled, there shall not be brought into account members deemed to be resident in that State where their number exceeds two.
- (b) Each State which has at least three and not more than eight members resident therein and which has a properly constituted State Committee shall be entitled to appoint one Councillor.
- (c) Any such Councillor shall be a member of the Society resident and/or deemed to be resident in such State, but need not be a member of the Committee of that State.
- (d) In the event that the membership of a State includes at least three (and not more than eight) members deemed to be resident in the State such members shall be entitled to appoint one Councillor for that State, such Councillor to be additional to the Councillors referred to in sub-clause (a) hereof.
- (e) In applying the further proviso to sub-clause (a) hereof and in applying sub-clause (d) hereof, then in the event that the deemed membership of a State includes members resident in more than one contiguous State, each such group of members deemed resident shall be entitled to the separate benefit of the said proviso and the benefit of sub-clause (d).
- (f) Subject to sub-clause (d) hereof, one half of the number of Councillors to which a State is entitled shall be appointed by the members of the Society (but not including the members referred to in sub-clause (d) hereof) at the annual or a general meeting of members of that State, and one half shall be appointed by the State Committee. In the event that the number of Councillors to which a State is entitled (not including any Councillor referred to in sub-clause (d) hereof) is uneven, the greater number shall be appointed by the State Committee.
- (g) Such Councillors shall be appointed by each State prior to the annual meeting of the Council of the Society each year, shall hold that office until (but not including) the next succeeding annual meeting of the Council, and be eligible for re-election.
- (h) The Northern Territory shall be deemed to be a State and the Australian Capital Territory a part of New South Wales for the purpose of these Rules.
- (i) The number of members resident within the State for the purposes of sub-clauses (a) and (b) hereof shall be the number of financial members resident within that State together with any member qualified by the operation of Rule 6 and together with any Life members resident within that State, as at 31st day of December immediately preceding the next succeeding annual meeting of the Council.



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### OFFICE BEARERS

26. A President, two Vice Presidents and Honorary Treasurer shall be elected annually from the appointed Councillors at the annual meeting of Council. Should the retiring President be a Councillor appointed by his or her State, then he or she shall automatically hold an official position of Immediate Past President but shall only have the voting rights of an elected Councillor.

### VACANCY ON COUNCIL

27. (a) The Council may act notwithstanding the occurrence of any vacancy amongst the Councillors.
- (b) Should a vacancy occur during the year through death, retirement or resignation it shall be filled by the nominee of the Committee of the particular State concerned.
- (c) For the purposes of these Rules, the office of an officer of the Society or of an ordinary member of the Council becomes vacant if the officer or member:
- (i) ceases to be a member of the Society; or
  - (ii) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
  - (iii) resigns his or her office by notice in writing given to the Secretary.

### PROCEEDINGS OF COUNCIL

28. (a) The Council may meet, adjourn and regulate its proceedings when and as it thinks fit. Questions arising at any meeting other than questions of order shall be decided by a majority of votes. In case of equality of voting the Chairman for the time being shall have a second or casting vote.
- (b) The President, or failing him, a Vice President, or failing both of them, an ordinary Councillor appointed for the purpose by the meeting shall preside as Chairman at each meeting of the Council. If the President is absent and there are two Vice Presidents present at the meeting the Councillors present shall determine which Vice President shall preside.
- (c) At least 30 days notice shall be given to Councillors of every Council meeting. Notice shall be deemed to have been given on the day on which it is posted by the Secretary.
- (d) The quorum for a meeting of Council shall be any six of its members present in person. No business shall be transacted unless a quorum is present, and if within half an hour of the time appointed for a meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour the following week, or lapse, as those Councillors present alone shall determine.
- (e) The ruling of the Chairman of the meeting shall be final in all matters of order and practice.
- (f) In the event of a Councillor being unable to be present at any meeting the President of



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the relevant State Committee shall have power to appoint a proxy, or he or she may depute to the Councillor the right to appoint a proxy. Such appointment shall be made in writing and any such proxy must be a financial member of the Society.

- (g) The Council shall hold an annual meeting in Sydney during the period of the Sydney Royal Easter Show unless the said Council determines otherwise.
- (h) The Council may delegate any of its power to a committee or committees consisting of such members of the Council as it thinks fit and may, from time to time, alter or revoke any such delegation or alter, add to or vary the members of any such committee. Any committee so formed shall in the exercise of powers delegated, conform to any regulations that may from time to time be imposed upon it by the Council, and shall report to the Council as soon as possible any action it has taken or decision it has made in the exercise of such powers. All acts done at any meeting of any such committee shall be valid notwithstanding any defect in the appointment or qualification of any member or any defect in the procedure adopted at any such meetings. Any casual vacancy occurring in any committee may be filled by Council.

### SECRETARY

- 29. The Secretary of the Society shall keep minutes of the resolutions and proceedings of each general meeting and each Council meeting in books provided for that purpose together with a record of the names of persons present at all such meetings.

### FINANCES/TREASURER

- 30. (a) The financial year shall end upon the last day of December in each year.
- (b) All moneys shall be banked where the Council shall direct.
- (c) All accounts shall be paid by cheque.
- (d) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by either the President, a Vice-President or the Honorary Treasurer and countersigned by the Secretary.
- (e) The Treasurer of the Society: -
  - (i) shall collect and receive all moneys due to the Society and make all payments authorised by the Society; and
  - (ii) shall keep correct accounts and books showing the financial affairs of the Society with full details of all receipts and expenditure connected with the activities of the Society.
- (f) The accounts and books referred to in sub-clause (e) (ii) shall be available for inspection by members.

### SEAL

- 31. (1) The Common Seal of the Society shall be kept in the custody of the Secretary.
- (2) The Common Seal shall not be affixed to any instrument except by the authority of the Council and the affixing of the Common Seal shall be attested by the signatures of two members of the Council or of one member of the Council and of the Public Officer of the Society.



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### **ALTERATION OF RULES AND STATEMENT OF PURPOSES**

32. These Rules and the Statement of Purposes of the Society shall not be altered except in accordance with the Act.



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### **WINDING UP OR CANCELLATION**

33. In the event of the winding up or the cancellation of the incorporation of the Society, the assets of the Society shall be disposed of in accordance with the provisions of the Act.

### **INTERPRETATION**

34. Any question or questions from time to time as to the interpretation of any of these Rules, or any questions arising on any subject within the scope of the Society's authority, not otherwise provided for by the Act, the Regulations or these Rules, shall be decided by the Council, whose decision shall in such cases be final and binding on all members and all members shall be bound by these Rules.

### **CUSTODY OF RECORDS**

35. Except as otherwise provided in these Rules, the Secretary shall keep in his or her custody or under his or her control all books, documents and securities of the Society.

### **FUNDS**

36. The funds of the Society shall be derived from any entrance fees as may be payable, annual subscriptions, donations, cattle registration, transfer and other fees and such other sources as the Council determines.

### **HERD BOOK REGULATIONS**

37. (a) The power conferred upon the Council by Rule 23 (2) (d) (iii) specifically extends to the making, amending, enlarging or revoking of Herd Book Regulations pertaining to Beef Shorthorn and Australian Shorthorn cattle.

(b) Unless and until the Council of the incorporated Society resolves otherwise the Herd Book Regulations - Beef Shorthorns as set out in Volume 44 of the Beef Shorthorn Herd Book, and the Herd Book Regulations - Australian Shorthorns as set out in Volume 10 of the Australian Shorthorn Herd Book respectively shall apply as amended subsequent to the publication of such Volumes and prior to incorporation of the former unincorporated Society.

(c) The making, amending, enlarging or revoking Herd Book Regulations - referred to in sub-rule (a) - may only be effected by a special resolution of the Council.