**PROPOSED CHANGES TO THE CONSTITUTION OF THE AGILITY DOG CLUB OF SOUTH AUSTRALIA INCORPORATED**

**13 May 2019**

The Committee of Management of the Agility Dog Club of South Australia Incorporated (ADCSA) is reviewing the Constitution of ADCSA. The purpose of this review is to ensure that the ADCSA Constitution:

* meets the legislative requirements and governance standards expected of a modern sports club;
* defines objectives for ADCSA that are consistent with the current aims and activities of ADCSA and its members;
* uses language and terminology that reflects contemporary practice, technology and communication media; and
* assists ADCSA to satisfy eligibility requirements for government funding grants.

The ADCSA Committee of Management has referred to the following legislation and publications in preparing the proposed changes:

* *Associations Incorporation Act 1985* *(South Australia)*;
* *Constitution of the South Australian Canine Association*, April 1994, as amended March 2011; and
* *Model Sporting Club Constitution*, Office for Recreation, Sport and Racing, Government of South Australia, July 2018.

The proposed changes are listed in the table below, showing: each current clause to be amended; proposed amendment; and rationale for the proposed amendment.

| **Clause No.** | **Current Clause** | **Proposed Amendment** | **Rationale** |
| --- | --- | --- | --- |
| 2. INTERPRETATIONS AND DEFINITIONS | | | |
| 2(e) | In this Constitution: -  (e) References to writing include any mode of representing or reproducing words in tangible and visible form and include telex and facsimile transmission; | (e) References to writing include any mode of representing or reproducing words in tangible and visible form and include **printing, lithography, photography and other modes representing or reproducing words in a visible form, including messages sent by electronic mail or** facsimile transmission; | Telex is not a contemporary communication technology. Proposed change is sourced from *Model Sporting Club Constitution* (ORS&R) |
| 2(m) | (m) “Club Financial Year” shall mean the period of 12 calendar months prescribed by clause 16(1). | (m) “Club Financial Year” shall mean the period of 12 calendar months prescribed by clause ~~16~~ **17**(1). | This appears to be a numbering error in the original ADCSA Constitution. The relevant clause is 17, not 16. |
| New | New Clause 2(n) | **2(n) Any doubt as to meaning of any term used in this Constitution is to be decided on by a vote at an Annual General Meeting or Special General Meeting of the Club.** | Proposed new clause is sourced from *Model Sporting Club Constitution* (ORS&R). Allows for an interpretation to be made at an AGM or SGM of members. |
| 3. OBJECTS | | | |
| 3(a) | The objects of the Club are:   1. To promote Agility and Obedience and the improvement thereof in a manner consistent with the Constitution of the Association and to obtain such licences and permits from the Association as are necessary or conducive to the attainment of this object; | (a) To promote**, conduct, encourage, advance and administer the sport of dog Agility** **~~and Obedience~~** and the improvement thereof in a manner consistent with the Constitution of the Association and to obtain such licences and permits from the Association as are necessary or conducive to the attainment of this object; | Highlighted part of proposed new clause is sourced from *Model Sporting Club Constitution* (ORS&R).  Proposed that ‘and Obedience’ be deleted as ADCSA does not currently and does not plan to provide Obedience activities. |
| 3(b) | (b) To educate and encourage members, breeders, exhibitors and judges to abide by the requirements of, and standards for Agility and Obedience approved by the Association; | (b) To educate and encourage members, breeders, exhibitors and judges to abide by the requirements of, and standards for Agility **~~and Obedience~~** approved by the Association; | Proposed that ‘and Obedience’ be deleted as ADCSA does not and does not plan to provide Obedience activities. |
| New | New Clause 3(c) | **(c) To develop, adopt and implement such policies as may be deemed necessary by the Association, including (as relevant and applicable) member protection, child protection, health and safety, animal welfare and such other matters as may arise in the development and administration of the sport;** | Proposed new Clause enables ADCSA to meet legislative and policy requirements.  Adapted from *Model Sporting Club Constitution* (ORS&R) |
| New | New Clause 3(d) | **(d) To use and protect intellectual property appropriately;** | Proposed new Clause enables ADCSA to meet intellectual property requirements. Sourced from *Model Sporting Club Constitution* (ORS&R) |
| New | New Clause 3(e) | **(e) To promote the health and safety of members and all other participants in the sport;** | New clause enables ADCSA to meet health and safety requirements expected of a sporting club.  Sourced from *Model Sporting Club Constitution* (ORS&R). |
| 3(c) => 3(f) | (c) To promote and support competition in practical ways and to hold such Exhibition as are permitted by the Constitution of the Association and the ANKC in accordance therewith; | **(f)** To promote and support competition in practical ways and to hold such Exhibition as are permitted by the Constitution of the Association and the ANKC in accordance therewith; | Current clause 3(c) to be renumbered to allow for new clauses 3(c), 3(d) and 3 (e) |
| 3(d)=>3(g) | (d) To promote public interest in Agility and Obedience; | **(g)** To promote public interest in Agility ~~and Obedience~~; | Current clause 3(d) to be renumbered to allow for new clauses and reference to ‘and Obedience’ deleted. |
| 3(e)=>3(h) | (e) To promote good fellowship among those interested in Agility and Obedience; | **(h)** To promote good fellowship among those interested in Agility ~~and Obedience~~; | Current clause 3(e) to be renumbered to allow for new clauses and reference to ‘and Obedience’ deleted. |
| 3(f)=>3(i) | (f) To hear and determine any objections, protests or complaints made by any member or exhibitor arising out of or in connection with an Exhibition conducted by the Club or its other activities; | **(i)** To hear and determine any objections, protests or complaints made by any member or exhibitor arising out of or in connection with an Exhibition conducted by the Club or its other activities; | Current clause 3(f) to be renumbered to allow for new clauses. |
| 3(g)=>3(j) | (g) To otherwise conduct itself in accordance with and observe the provisions of the Constitution of the Association and abide by any directions lawfully given by the Association from time to time. | **(j)** To otherwise conduct itself in accordance with and observe the provisions of the Constitution of the Association and abide by any directions lawfully given by the Association from time to time. | Current clause 3(g) to be renumbered to allow for new clauses. |
| 5. MEMBERSHIP | | | |
| 5(1) | (1) Eligibility  Any person owning or who is interested in a dog or who is interested in Agility or Obedience shall be eligible for membership | (1) Eligibility  Any person owning or who is interested in a dog or who is interested in Agility ~~or Obedience~~ shall be eligible for membership | Proposed that ‘and Obedience’ be deleted as ADCSA does not and does not plan to provide Obedience activities. |
| 5(2)(b) | 5(2)(b) Children under 17 years of age shall be eligible for membership as junior members. A junior member shall not be entitled to vote at any meeting of the Club. | 5(2)(b) Children **over 7 years and** under ~~17~~ **18** years of age shall be eligible for membership as junior members. A junior member shall not be entitled to vote at any meeting of the Club. | Upper age limit of ‘under 18 years’ complies with definition under Child Protection Act (with which ADCSA must comply). ‘Over 7 years’ is consistent with Dogs SA provisions for junior handlers. |
| New | New Clause 5(3)(a)(iii) | **5(3)(a)(iii) identify the category of membership for which the applicant is applying;** | New Clause 5(3)(a)(iii) will enable ADCSA Membership Officer to identify and record the category of membership for each member.  Sourced from *Model Sporting Club Constitution* (ORS&R) |
| 5(3)(a)(iii)  =>5(3)iv | 5(3)(iii) | **5(3)(a)(iv)** | Renumbering to allow for new Clause 5(3)(iii) |
| 5(3)(a)(iv)  =>5(3)v | 5(3)(iv) | **5(3)(a)(v)** | Renumbering to allow for new Clause 5(3)(iii) |
| New | New Clause 5(3)(d) | **5(3)(d) Members (other than Life Members who are not actively participating in the sport and do not require participant insurance) must renew their membership annually in accordance with the proceedings set down by the Club or in the regulations from time to time.** | Ensures that participating members are eligible for insurance cover under the Member Accident Insurance policy held by ADCSA. Also ensures the Membership records can be kept up to date. |
| New | New clause 5(5) | **5(5) Obligations of Members**  **Each member must:**   1. **Treat all officers, volunteers, contractors and representatives of the Club, the Association and all those involved with the sport with respect, decency and courtesy at all times.** 2. **Maintain and enhance the standards, quality and reputation of the Club, the Association and the sport.** 3. **Abide by the rules, policies and procedures determined by the Club and the Association.** | Adapted from *Model Sporting Club Constitution* (ORS&R). Promotes a safe and respectful environment for club members and volunteers and is a reminder of Dogs SA affiliation requirements for members. |
| New | New clause 5(6) | **5(6) Register of Members**  **Subject to the Act, confidentiality considerations and privacy laws:**   1. **The Club must keep and maintain a register of Members which shall contain at least:**    * 1. **the full name, address, category of membership and date of entry to membership of each Member and Committee member; and**      2. **where applicable, the date of termination of membership of each previous Member.** 2. **The Register may contain such other information as the Committee considers appropriate.** 3. **Members must provide the Club with the details required by the Club to keep the register complete and up to date.** 4. **Members shall provide notice of any change and required details to the Club within one month of such change.** | Adapted from *Model Sporting Club Constitution* (ORS&R). Enables membership records to be kept up to date. Provides for summary membership data (e.g. total member numbers, gender profile, etc.) to be used for funding applications. |
| 7. THE COMMITTEE | | | |
| 7(2)(e) | 1. The Committee shall comprise the following bearers; 2. Head Trainer;   and four ordinary members of the Club, all of whom apart from the Head Trainer, shall be elected at an Annual General Meeting in the manner hereafter provided. The Head Trainer shall be elected by and shall be one of the group of Trainers appointed by the Club in accordance with its Rules. All members of the Committee shall hold their positions on an honorary basis. | 1. The Committee shall comprise the following bearers; 2. Head ~~Trainer~~ **Instructor**;   and four ordinary members of the Club, all of whom apart from the Head ~~Trainer~~ **Instructor**, shall be elected at an Annual General Meeting in the manner hereafter provided. The Head ~~Trainer~~ **Instructor** shall be elected by and shall be one of the group of ~~Trainers~~ **Instructors** appointed by the Club in accordance with its Rules. All members of the Committee shall hold their positions on an honorary basis. | Changing terminology from *Trainer* to *Instructor* provides consistency with Dogs SA Rules. |
| 7(4) | 7(4) No office bearer of Committee member shall be elected to hold office for a period of greater than twelve calendar months from the date of election but upon retiring at the expiration of that period any such office bearer or Committee member shall be eligible for re-election to the office previously held or any other office. | 7(4) No office bearer ~~of~~ **or** Committee member shall be elected to hold office for a period of greater than twelve calendar months from the date of election but upon retiring at the expiration of that period any such office bearer or Committee member shall be eligible for re-election to the office previously held or any other office. | Typographical error in original ADCSA Constitution. |
| 9. PROCEEDINGS OF COMMITTEE | | | |
| 9(3) | 9 (3) The president of the Club shall chair all Committee meetings. In the absence of the President the Vice President shall take the chair. In the absence of the Vice President the Committee shall elect one of its number to take the Chair. | 9 (3) The **P**resident of the Club shall chair all Committee meetings. In the absence of the President the Vice President shall take the chair. In the absence of the Vice President the Committee shall elect one of its number to take the Chair. | Typographical error in original ADCSA Constitution. |
| 9(4) | 9(4) Notice of each Committee meeting shall be given in writing and delivered by hand or by ordinary post to all members of the Committee not less than seven days before the date of such meeting. | 9(4) Notice of each Committee meeting shall be given in writing and delivered by hand, **by electronic mail** or by ordinary post to all members of the Committee not less than seven days before the date of such meeting. | Allows for Committee members to receive meeting agenda by email. |
| 9(5) | 9(5) Questions arising at any meeting shall be decided by a majority of votes and in the event of equality of votes the Chairman shall have a casting vote in addition to a deliberate vote. | 9(5) Questions arising at any meeting shall be decided by a majority of votes and in the event of equality of votes the Chairman shall have a casting vote in addition to a deliberat**iv**e vote. | Typographical error in original ADCSA Constitution. |
| 9(8) | 9(8) A member of the Committee having a pecuniary interest in a contract or any other business with or involving the Club must disclose that interest to the Committee as required by the Act and shall not vote on any issue or matter with respect to that contract or business. | 9(8) A member of the Committee having a pecuniary interest in a contract or any other business with or involving the Club must disclose that interest to the Committee as required by the Act and shall not vote on any issue or matter with respect to that contract or business. **All disclosed interests must be recorded in the minutes of the relevant meeting and also disclosed to the next Annual General Meeting in accordance with the Act.** | Sourced from *Model Sporting Club Constitution* (ORS&R).  Ensures ADCSA members are informed of all disclosed interests. |
| 9(11) | New clause | 9(11) **A resolution in writing, signed or assented to by email, facsimile or other form of visible or other electronic communication by all Committee members for the time being present in Australia shall be as valid and effectual as if it had been passed at a meeting of the Committee duly convened and held. Notwithstanding, the Committee may resolve that a matter can only be put at a meeting of the Committee.** | Sourced from *Model Sporting Club Constitution* (ORS&R).  Allows for ADCSA Committee to make decisions if required in between scheduled meetings of the Committee. |
| 11. GENERAL MEETINGS | | | |
| 11(3) | 11(3) Notice of the Annual General Meeting shall be given to members by publication not less than 30 days prior to the date thereof of a notice of meeting in the “Dogs” section of the principle South Australian Saturday newspaper and in the official Journal of the Association. A notice so published shall be deemed to have been received by each member on the day of publication. A further copy of the Notice of Meeting shall be postedon the notice board of the Club where such notice board exists. | 11(3) Notice of the Annual General Meeting shall be given to members by publication not less than 30 days prior to the date thereof of a notice of meeting ~~in the “Dogs” section of the principle South Australian Saturday newspaper and~~ in the official Journal of the Association. A notice so published shall be deemed to have been received by each member on the day of publication. A further copy of the Notice of Meeting shall be **posted on the Club website and such other social media as the Club uses** and on the notice board of the Club where such **a** notice board exists. | Provides for Notice of AGM to be communicated to members through contemporary media and mitigates against any future deletion of the Dogs section in the Saturday newspaper. |
| 12. SPECIAL MEETINGS | | | |
| 12(5) | 12(5) If a Special Meeting is not convenes within 30 days of the date of the request those members requesting the meeting may convene it and the Committee shall ensure that they are supplied with particulars of those entitled to receive notice of the Special Meeting and shall have the Club pay the reasonable expenses of convening and conducting the meeting incurred by those requested it. | 12(5) If a Special Meeting is not ~~convenes~~ **convened** within 30 days of the date of the request those members requesting the meeting may convene it and the Committee shall ensure that they are supplied with particulars of those entitled to receive notice of the Special Meeting and shall have the Club pay the reasonable expenses of convening and conducting the meeting incurred by those requested it. | Typographical error in original ADCSA Constitution. |
| 13. PROCEEDINGS AT MEETINGS | | | |
| 13(13) | 13(13) The Chairperson shall have a casting vote in addition to that person’s deliberate vote at all meetings. | 13(13) The Chairperson shall have a casting vote in addition to that person’s deliberat**iv**e vote at all meetings. | Typographical error in original ADCSA Constitution. |
| 16. ADDRESSES AND SERVICE | | | |
| 16 | 16 Each member shall register his or her address and any change of address from time to time with the Secretary of the Club and all notices properly addressed and posted to the member by ordinary prepaid mail (or certified mail where so required) at the member’s last registered address, shall unless otherwise required by this Constitution be deemed duly served. | 16 Each member shall register his or her address and any change of address from time to time with the Secretary of the Club and all notices properly addressed and posted to the member by ordinary prepaid mail, **electronic mail** (or certified mail where so required) at the member’s last registered address **or email address**, shall unless otherwise required by this Constitution be deemed duly served. | Allows for ADCSA to communicate with members by email. |