

PO Box 482 West Ryde NSW 1685

E-mail: aviculturalsocietynsw@yahoo.com.au

The Avicultural Society of NSW Inc. Constitution

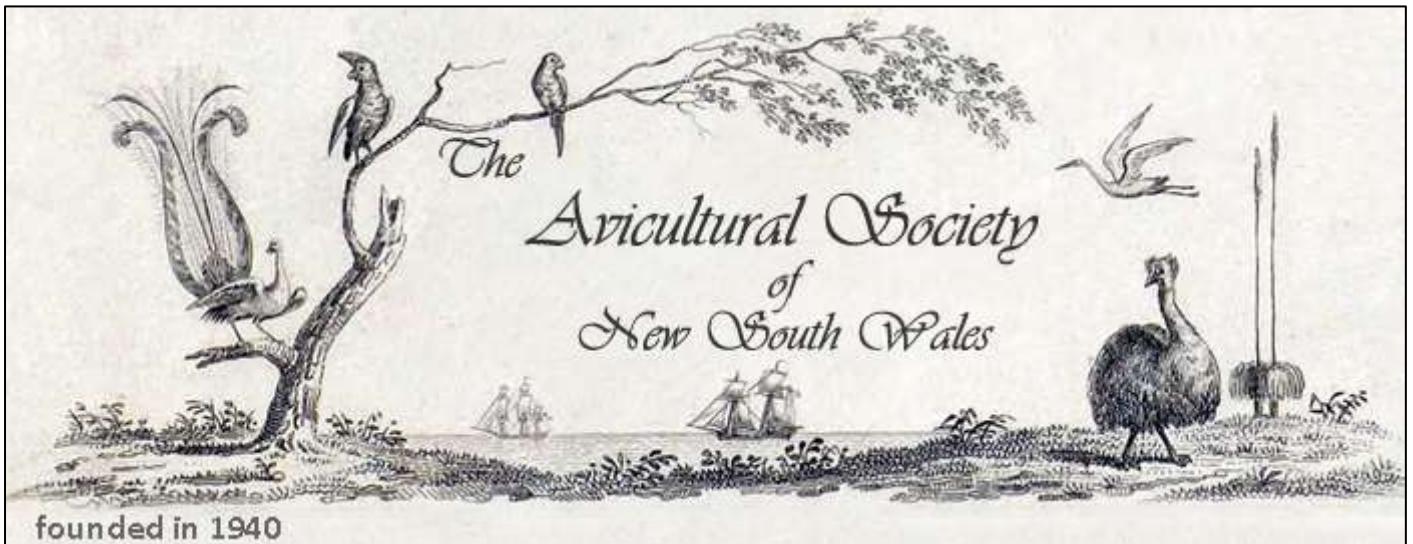
As amended 23 February 2021

1. TITLE

- A) THE AVICULTURAL SOCIETY OF NSW INC. (herein referred to as the "Society") B) ASNSW CONSERVATION TRUST (herein referred to as "Conservation Trust")

2. OBJECTIVES

- a) The study of all aspects of birdlife, primarily related to Australian species, the captive propagation of threatened species; the conservation of all Australian bird species and the promotion of scientific and hygienic cultivation of all bird species under circumstances resembling their native habitat as may permit.
- b) To bring together and create a feeling of harmony and unity between all lovers of birds and create a greater zeal and devotion to the fancy, thereby protecting members from conduct and practices that may bring our hobby into disrepute.
- c) Dissemination and exchange among club members of information relevant to birdlife and its publication where possible.
- d) To actively support the preservation and restoration of habitat and encourage the Society's individual members to support all activities and scientific research which may lead to the enhancement of Australia's biodiversity.
- e) To be committed to maintaining a genetically diverse population of bird species ensuring provision of a gene pool for potential reintroduction programmes and to assist in associated population and habitat viability assessments.
- f) The Society shall maintain an active independent interest in any proposed legislation of government, Local, State and Commonwealth, which may impact upon the captive keeping of birds and the welfare of bird species in general.
- g) Will not tolerate animal cruelty or unethical behaviour to birds and animals.



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3. BRANCHES

All Members of the Society including Members at Branches are covered by the limited liability provisions provided by the Society's incorporation under the Associations Incorporation Act 2009.

Members of the Society in other localities may establish Branches of the Society.

Such Branches shall be known as:-

The Bird Club. A branch of the Avicultural Society of NSW Inc.

All Branches of the Society shall function under this constitution. Each Branch shall consist of at least fifteen (15) financial members; have its own Management Committee, Branch Subscriptions, meetings, responsibility for debts, etc.

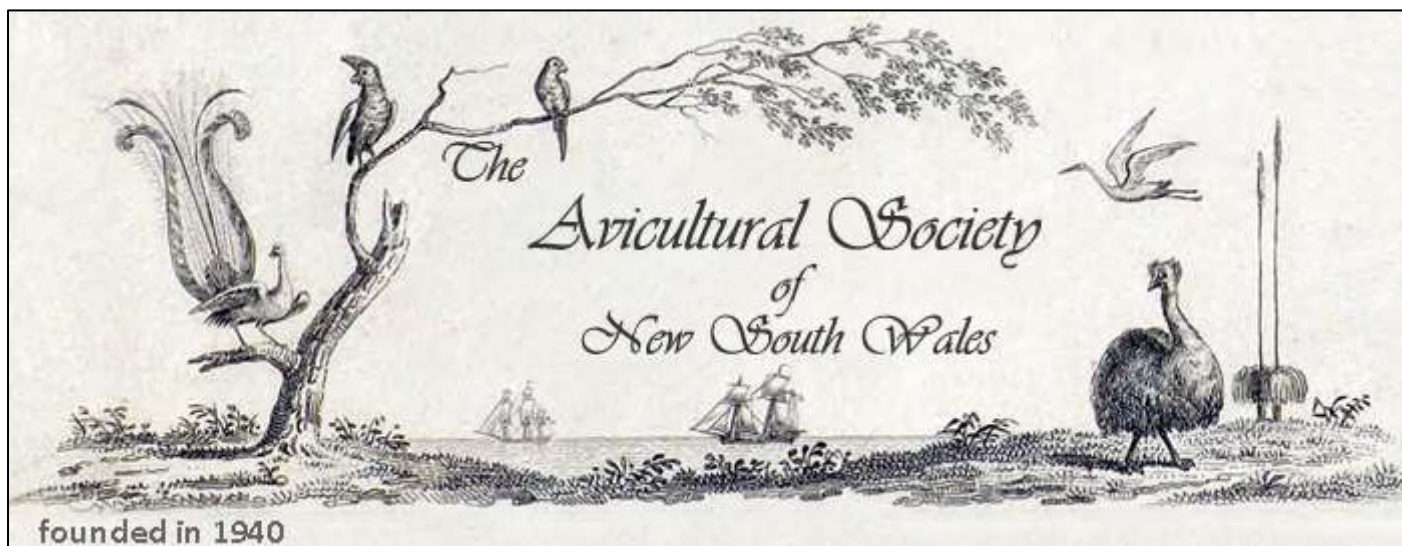
Each Branch shall conduct an Annual General Meeting at such a time to enable its balance sheet and income and expenditure account to be accepted at the Branch Annual General Meeting and forwarded to the Treasurer/Secretary of the Society at least fourteen (14) days prior to the Society's Annual General Meeting (*refer 8 MEETINGS*). This is to enable the Society to meet its annual reporting obligations under the Associations Incorporation Act 2009 (as amended).

Members in other locations where the number of members is unlikely to be sufficient to make the setting up of a separate branch viable may, with the approval of parent body members, form a sub-branch. A sub-branch need not have the formal committee structure, financial reporting requirements or meeting schedule of a branch. Sub-branch membership subscriptions are payable to the Society parent body.

Sub-branches are to be responsible for their own expenses such as hall hire and suppers. The parent body may assist financially if approved by the Society committee; assistance shall be limited to proportional funding on paid members.

4. MEMBERSHIP

The membership year shall commence on 1st January for the Society. Branches may adopt their own membership year. Applications for membership made within three (3) months prior to the commencement of the membership year shall be considered as applications for the following membership year. Renewal of membership is to be made within one month of the commencement of the membership year to retain ongoing membership privileges.



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Life membership of the Society can be awarded once every five (5) years from nominations from the Society or its Branches. If one life membership has not been appointed in a five (5) year period, then the number can accumulate: so that two life members may be appointed in a ten (10) year period. Nominations are to be submitted in writing to the Management Committee and endorsed at the Annual General Meeting of the Society (or Branch). Nominees to have been active members of the Society (or Branch) for at least ten (10) consecutive years and the award is given in recognition of services rendered to the Society (or Branch).

Any person or organisation (including incorporated associations) desirous of becoming a member of the Society or a member of one of its Branches must subscribe to the objectives of the Society, complete the required membership application form, and pay any applicable subscription rate prior to being accepted as a member.

The Society (or Branch) may (at its discretion) accept or reject the application of any prospective member without specific reason.

Subscription rates to the different levels of membership of the Society (or Branch), shall be determined from time to time by the Management Committee of the Society (or Branch) and shall be displayed on membership application forms and/or website.

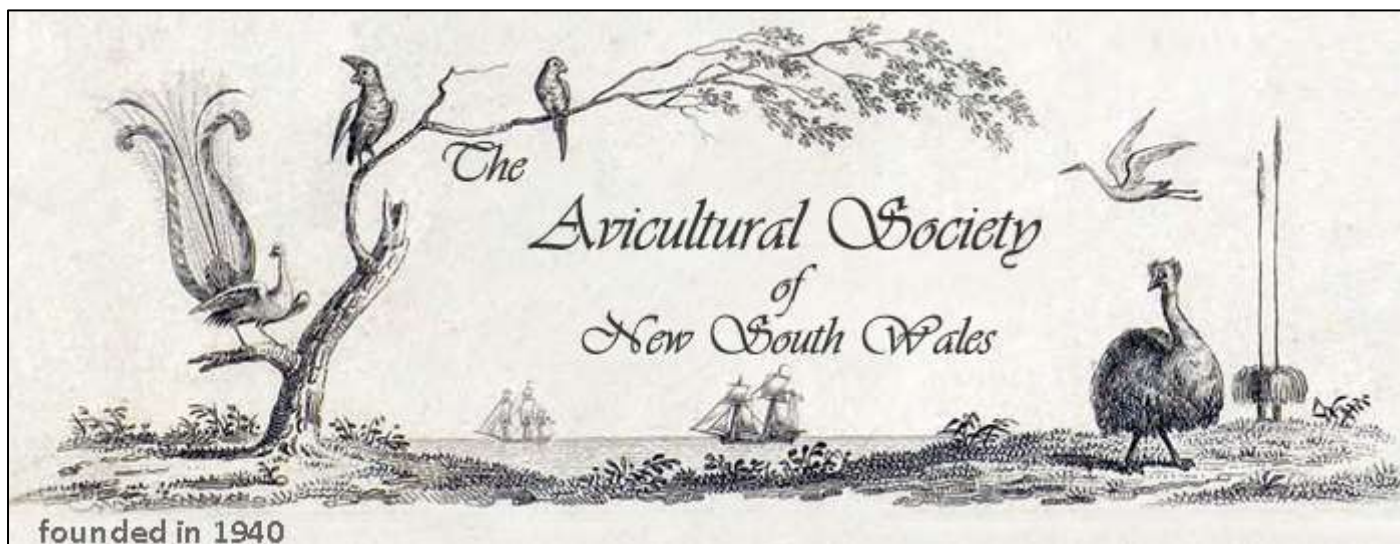
5. TYPES OF MEMBERSHIP

1. Full membership
2. Associate membership
3. Life membership
4. Junior membership
5. Honorary membership
6. Affiliated membership
7. Corporate membership

ONLY 1, 2 & 3 MEMBERS HAVE FULL VOTING RIGHTS

MEMBERSHIP ENTITLEMENTS

Full membership. Apart from voting rights, Full Membership entitles the member to either a paper copy of all the Societies publications, posted to their nominated postal address, or an electronic copy of the said publications sent to their nominated email address.



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Associated membership. Apart from voting rights, Associated Membership entitles the member to an electronic copy of all Society publications sent to their nominated email address.

Life Membership. Apart from voting rights, Life Membership entitles the member to an electronic copy of all Societies publications posted to their nominated email address. However, paper copies may be supplied with the agreement of the committee.

Honorary Membership. May be awarded for services to the Society (or Branch) for such a period as determined by the Management Committee. At the discretion of the Management Committee, an Honorary Member may receive an electronic copy of the Societies magazine posted to their nominated email address.

Junior Membership. A junior member shall be under 17 years of age at the start of membership year. A junior member is entitled to an electronic copy all the Societies publications posted to their nominated email address.

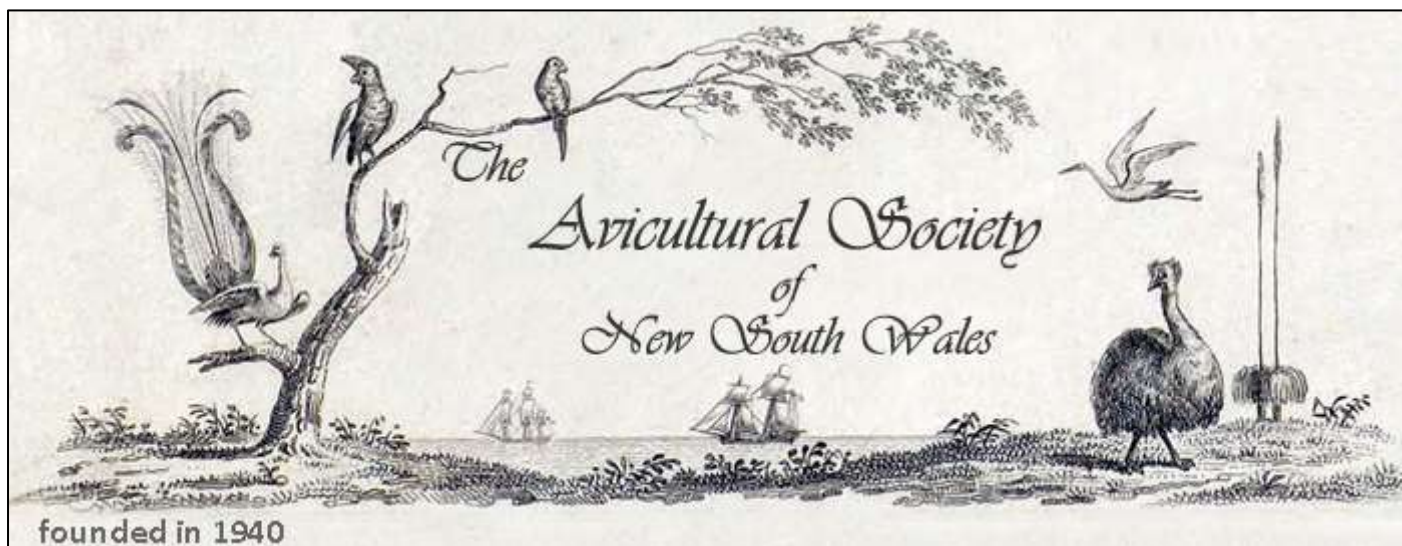
Affiliated Membership. Affiliated members are nominated by the ASNSW committee in recognition of services to the Society and may be either fellow bird clubs & Societies or organisations outside of the Bird fraternity that have contributed to the benefit of ASNSW and its Members. Affiliated membership entitles the member to an electronic copy of all the Societies publications posted to their nominated email address. They will have no voting rights.

Corporate Membership. Will offer a financial or product as agreed in value to the Society for the right to advertise in all Society media and have the opportunity to promote their organisation at ASNSW events. Artwork and promotional material are to be supplied by Corporate sponsor at their cost. Corporate sponsorships will be for a financial year and reviewed annually. They will be entitled to a paper copy of the said publication along with electronic copy. They will have no voting rights.

6. MANAGEMENT COMMITTEE

All positions shall be honorary and shall comprise the following positions as elected at the Annual General Meeting of the Society (or Branch):-

- President
- Vice President 1 – (past President)
- Vice President 2
- Treasurer
- Secretary
- Membership Secretary



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- Editor
- Conservation Officer
- Regional Delegates – North, South & Western NSW
- Web master/mistress
- Public Officer

Branches are not required to have a Public Officer.

Branch Management Committees may appoint a maximum of Two (2) delegates to represent the Branch at Society Management Committee meetings.

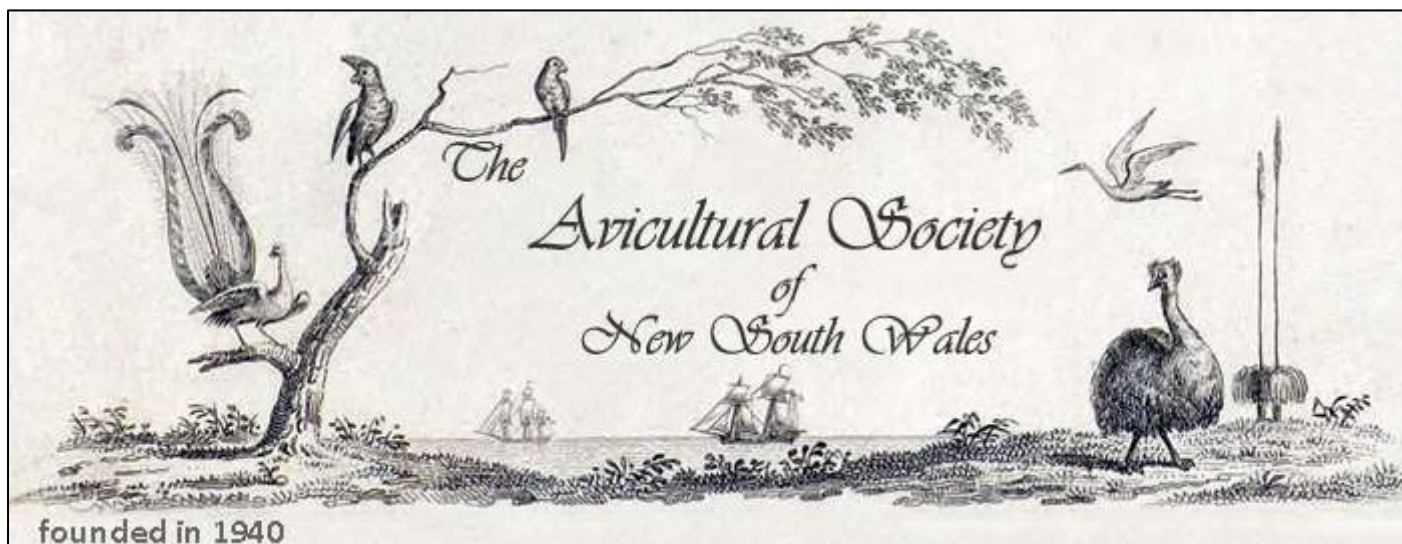
Nominations for Management Committee positions shall be received at the Annual General Meeting of the Society (or Branch). Absentee nominations must be supported by written acceptance from the nominee. Nominees must have been financial members of the Society (or Branch) for the previous twelve (12) months and have attended recent meetings.

The Management Committee may also appoint members to the following positions as required.

- Patron
- Minutes Secretary
- Librarian
- Raffle Steward(s)
- Refreshment Officer(s)
- Delegates and alternative delegates to other organisations as required. This includes a maximum of two (2) Branch delegates to the Society.
- All delegates representing ASNSW at external organisations must be a sitting ASNSW Committee member. Delegates are required to report meeting discussions to the Management Committee.

Officers may hold more than one office in a financial year. The financial year of the Society shall be a calendar year commencing 1st January.

All officers of the Society (or Branch) shall serve without remuneration other than out-of-pocket expenses unless otherwise approved by the Management Committee.



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An Officer failing to attend three (3) consecutive Ordinary General Meetings (including the Annual General Meeting) without reasonable excuse acceptable to the Management Committee shall be deemed to have resigned and the position declared vacant.

Vacant positions in the Society (or Branch) shall be filled by nominations at Ordinary General Meetings.

An annual audit is not required. A special purpose audit may be conducted if requested by a majority of members of the Society (or Branch).

7. DUTIES OF OFFICE BEARERS

President to chair meetings; maintain proper control and to act in the best interests of all members; to organise, welcome and thank guest speakers and welcome visitors and new members; to ensure that the Society (or Branch) obligations to members in promoting the Society's objectives and to other organisations are being met.

Vice Presidents to assist the elected President, as required with matters concerning the Society (or Branch); to attend meetings and to act in the absence of the elected President.

Secretary to attend meetings; to receive and attend to all correspondence; to liaise with the President for matters requiring attention; and with the Treasurer in regard to all monetary matters.

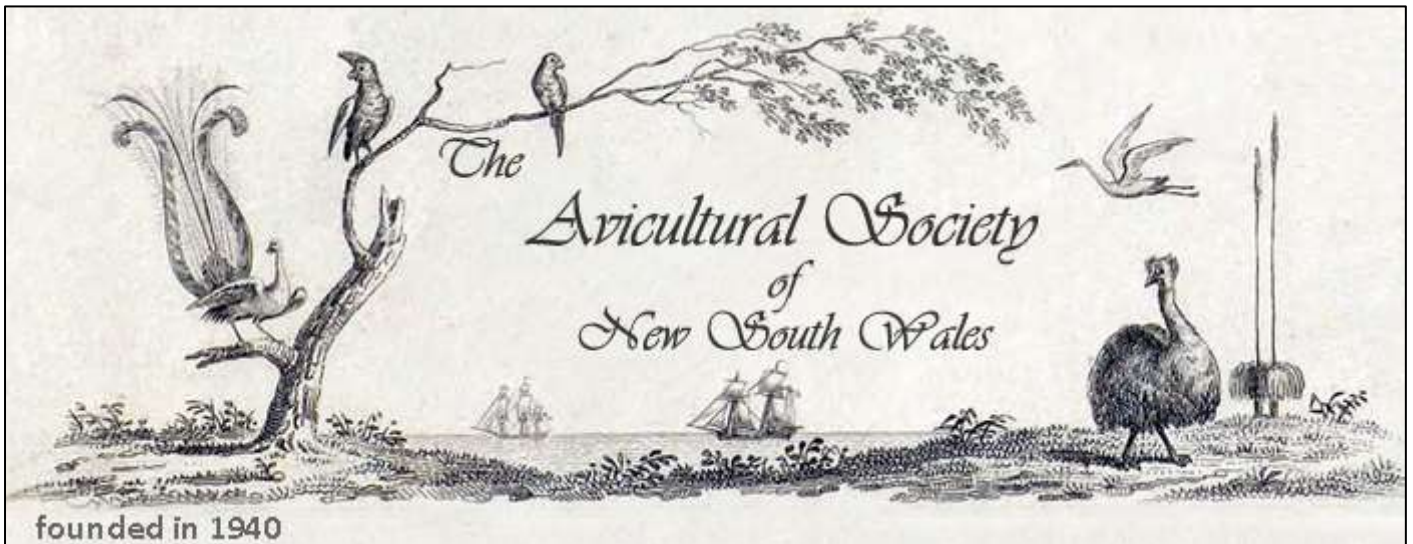
Minutes Secretary to make records of matters discussed at meetings.

Treasurer to maintain all books, records of all payments, and monies received and to deposit same into authorised bank accounts. Any cheque or withdrawal from any account of the Society (or Branch) shall require the signatures of two (2) elected Officers of the Society (or Branch).

Treasurer to present a Statement as to the financial situation at each meeting of the Society (or Branch) and to prepare the Annual Report consisting of the Balance Sheet and Income and Expenditure Account for the year, for presentation and acceptance by members at the Annual General Meeting of the:

A) Society (or Branch) B) Conservation Trust

Editor (and Editorial Team) where appointed; to ensure the preparation and distribution of the Society (or Branch) magazine and/or other publications to members and other organisations as determined by the Management Committee by dates as determined by the Management Committee.



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Membership Secretary to maintain a list of names, addresses, contact details (telephone number/s and e-mail addresses) of all members (the membership register); to liaise with the Treasurer to ensure that membership fees are paid and to periodically provide a list of all members to the President. Names of members, but not their addresses, shall be made available to other members on request.

All record books (except the membership register) held by members of the Management Committee shall be made available for inspection by any member of the Society (or Branch) upon receiving reasonable notice in writing addressed to the Management Committee.

Conservation /Trustee Officer to guide, implement and record all conservation projects. Promote and protect legacy of ASNSW Conservation Trust. The Conservation Officer will be one of the three Trustees of the Conservation Trust.

Public Officer to prepare and lodge annual return of the Society under the Associations Incorporation Act 2009.

8. MEETINGS

Meetings shall be held on days and at times and places as determined from time to time by the Management Committee.

Ordinary General Meetings shall require a quorum of at least six (6) financial members and shall be held monthly on at least nine (9) months of the year.

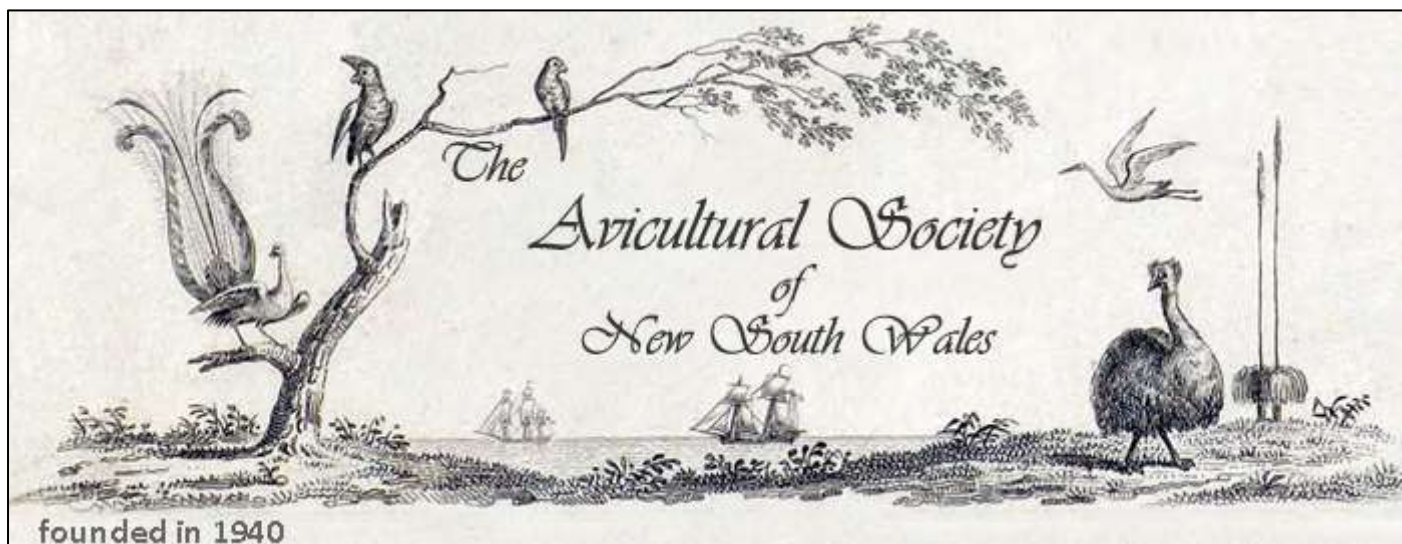
The Annual General Meeting (AGM) of the Society shall be held no later than May of the New Year and shall require a quorum of at least ten (10) financial members.

Annual General Meetings (AGM's) of the Branches will be held prior to the Societies AGM in May of the New Year and shall require quorums of at least ten (10) financial members.

Special Meetings may be called by requisition signed by ten (10) financial members of the Society (or Branch) and presented to the President to resolve matters of extreme urgency or to deal with alleged misconduct by an Officer of the Society (or Branch).

The President may call a meeting of the Management Committee to resolve matters prior to an Ordinary General Meeting. Such meetings may be in person or held by telephone.

The President may invite other persons to attend Management Committee meetings.



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9. NOTICE OF MEETINGS

Notice in writing, by email or by notification included in the Society (or Branch) magazine shall be given to all financial members at least fourteen (14) days prior to the Annual General Meeting, Special Meetings or of any alterations of time or place of any meeting held by the Society (or Branch).

10. BUSINESS AT ANNUAL GENERAL MEETINGS

- a) The business of the Annual General Meeting shall be to receive and consider the Annual Report and Financial Statements of the Society (or Branch), the Conservation Trust, and reports from the Executives.
- b) To elect officers for the ensuing year and to deal with any other business that may become necessary.

An Ordinary General Meeting may be held before the Annual General Meeting.

11. VOTING

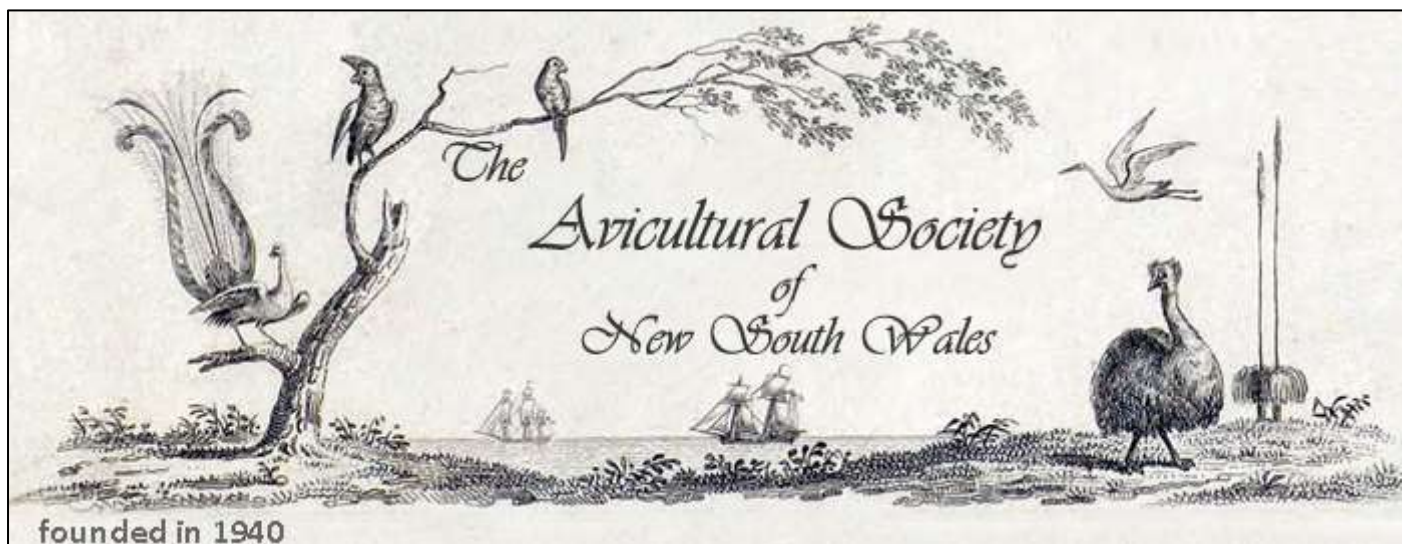
Voting shall be by show of hands or voice unless a ballot is called for. Each person is entitled to one (1) vote. Resolutions shall be deemed to be carried when supported by a majority of members present who have exercised their vote. The Secretary prior to AGM can receive proxy votes in writing and formally present to AGM to be counted and voted. The Chairperson on all counts shall have a deliberative vote and in the case of equality shall have a casting vote.

12. POSTAL BALLOTS

The Society (or Branch) may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 13). A postal ballot is to be conducted in accordance with Schedule 3 to the Association Incorporation Regulation 2010.

13. CONDUCT OF MEMBERS AND AFFILIATED MEMBERS

No member, other than life members, shall be entitled to vote on any question or be entitled to any privileges of the Society (or Branch) until he/she has paid the applicable annual subscription. No member retiring from the Society (or Branch) or ceasing to be a member from any cause shall be entitled to have any claim on any of the property of the Society (or Branch).



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Should any member make an allegation against a member or members of improper conduct, he/she shall do so in writing. In such case the Society (or Branch) shall instruct the Secretary to summon the principal parties by letter (giving fourteen (14) days' notice, stating the substance of the allegation) to appear before a meeting of the Management Committee or at an Ordinary General Meeting, as deemed appropriate by the Management Committee. Should the persons concerned fail to attend or fail to furnish an excuse acceptable to the meeting; the matter will be dealt with in their absence.

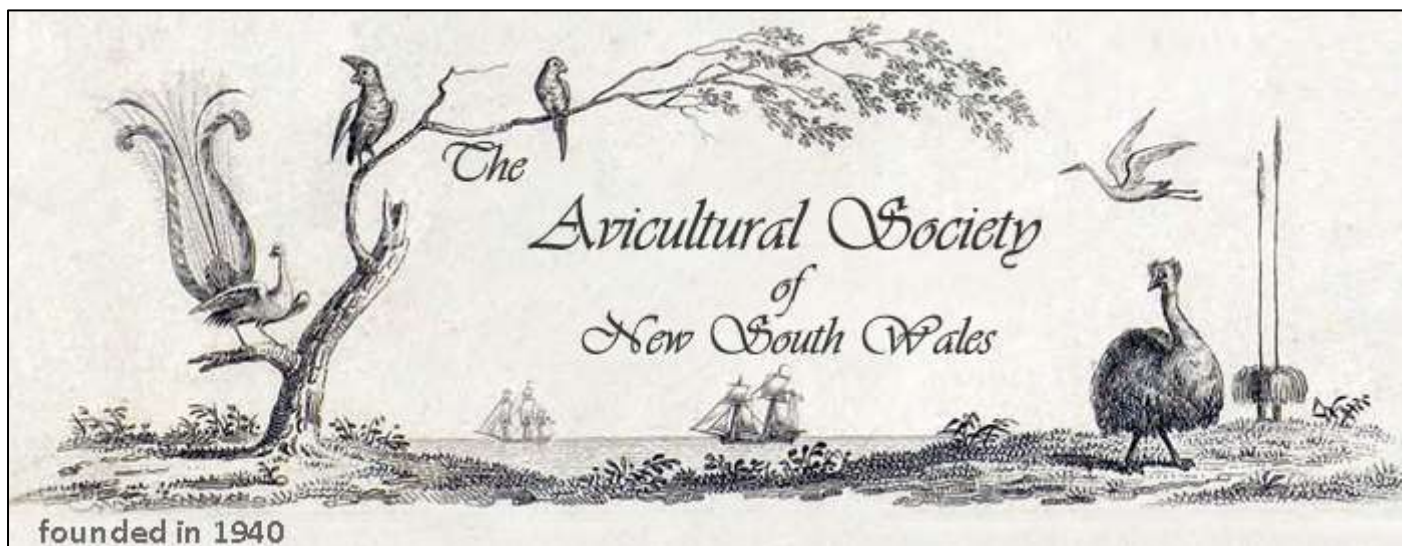
Any member, as per Rule 5, wilfully infringing upon these rules or accused of any unbecoming, Anti-social or dishonourable conduct or acting in a manner detrimental to the interest of the Society (or Branch) shall be liable (on an allegation being made in writing of the same and proven by the meeting) to be expelled or dealt with in such manner as the meeting may deem necessary. Any member thus expelled shall forfeit all claims on the Society (or Branch) for any subscriptions or part thereof. Such member may appeal within two (2) months to an Ordinary General Meeting and the decision of such meeting shall be final.

14. INSURANCE

The Society (or Branch) shall maintain adequate insurance including Public Liability Insurance as may be required by the laws of incorporation and/or local authorities.

15. SOURCE OF FUNDS

- a) The funds of the association are to be derived from annual subscriptions of members, donations and, subject to any resolution passed by the Society (or Branch) in general meeting, such other sources as the committee determines.
- b) All money received by the Society (or Branch) must be deposited as soon as practicable and without deduction to the credit of the Society (or Branch) bank or other authorised deposit-taking institution account.
- c) The Society (or Branch) must, as soon as practicable after receiving any money, issue an appropriate receipt.
- d) ASNSW Conservation Trust will have a separate Bank account with three Signature Trustees. All funds gained from sales, sponsorships, donations, endorsements, bequeathments & grants for the ASNSW Conservation Trust will go into this bank account and only be used for Conservation trust purpose as stated in [17 CONSERVATION TRUST](#).



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16. TRUSTEES

1. Society

The Trustees of the Society (or Branch) shall consist of the President, one Vice President, Treasurer, and the Secretary. All four (4) will be signature Trustees.

2. Conservation Trust

The three (3) Trustees of the Conservation Trust shall consist of the Conservation Officer and one (1) Co-founder of the Conservation Trust for a period of 5 years. A third Trustee is to be elected on an annual basis from the Society membership.

17. CONSERVATION TRUST

Founded in 2019 to celebrate 80 years of the Avicultural Society of NSW, the Conservation Trust aims is to promote the conservation of wild birds, by offering a suitable habitat for nesting (home, nest box or nesting structure).

1. Trustees

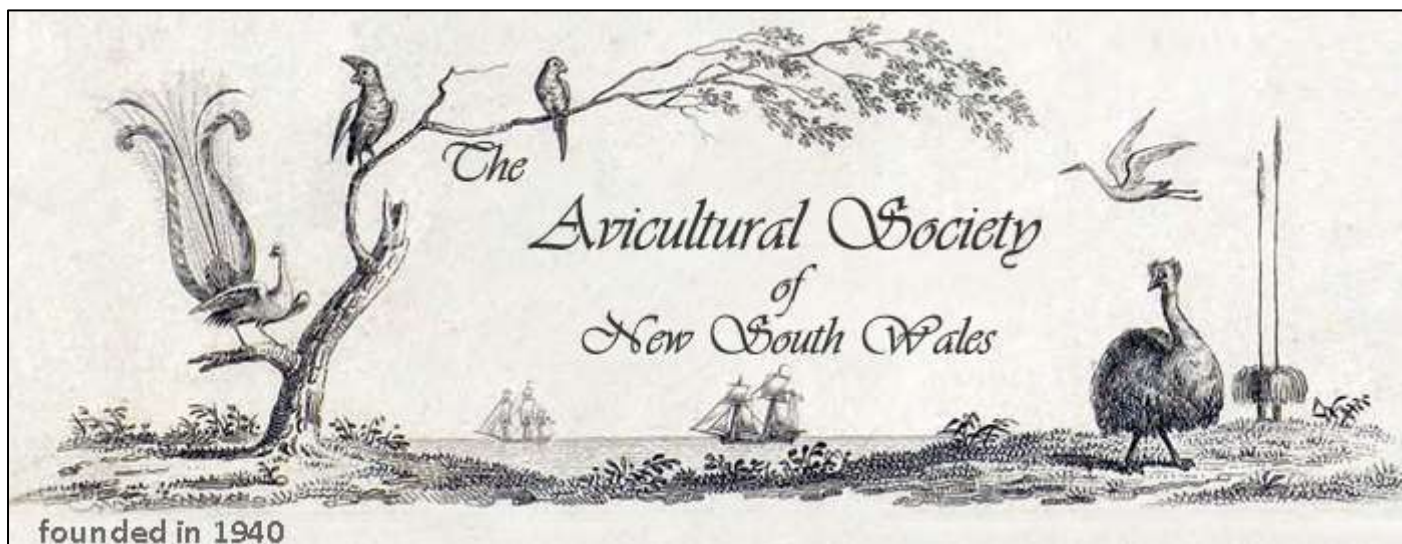
(Refer [16 TRUSTEES 2 Conservation Trust above](#))

The Conservation Trust will have three (3) Trustees that are also signatories for the Conservation Trust Bank Account.

2. Funds

All funds raised under the 'ASNSW Conservation Trust' banner are to be used for the following:

- Purchase of nest boxes
- Nesting material
- Tools to install and inspect habitat along with any hiring of machinery to install and inspect.
- Insurance required to conduct this work (refer [14 INSURANCE](#)) and any hardware needed.
- All Conservation Trust advertising and promotions.



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Suitable habitat nesting work is to be carried out all over NSW and preferably, it is to be purchased from charities and community men's groups.

3. Fund Raising

Funds can be raised by selling nest boxes, sponsorships, endorsements, donations, bequeathments or grants from community groups, commercial organisations or Local, State or Federal Governments.

4. Monitoring and Reporting

Yearly reports on funds and work are to be prepared and supplied to members by the Conservation Officer.

Monitoring and reporting should be conducted on all nesting boxes twice a year.

18. ASSET REGISTER

The Society, including the ASNSW Conservation Trust, shall keep asset registers that shall be updated annually and reported at the Annual General Meeting. Asset registers will include dollar value against each item at time of reporting.

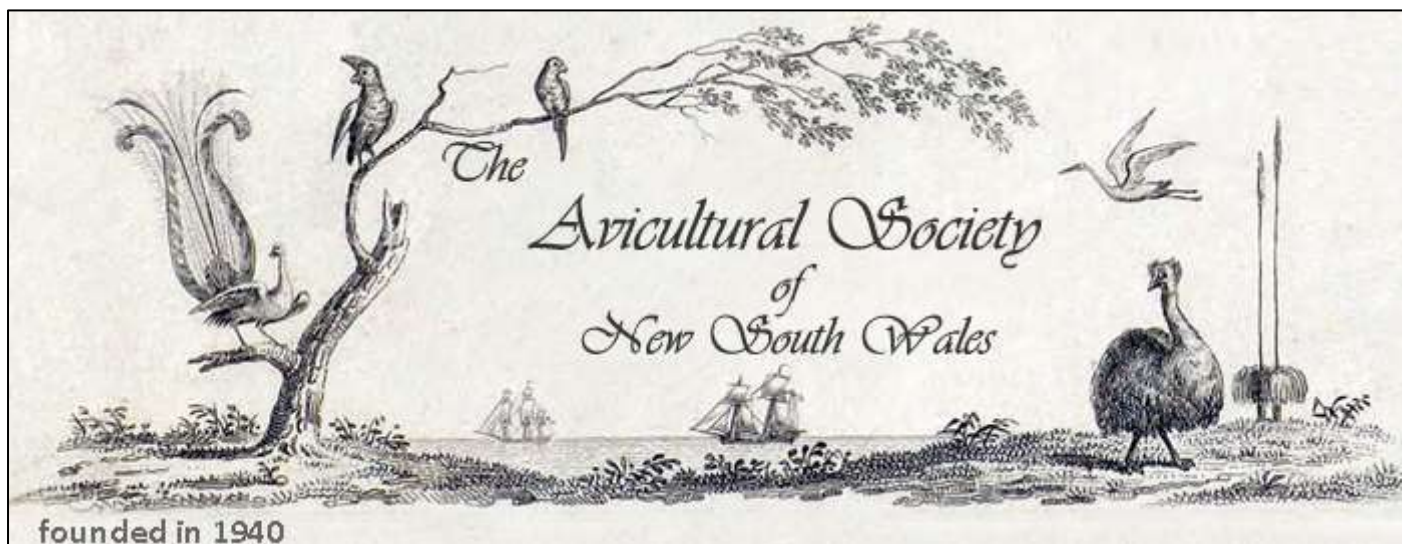
Assets can only be disposed of after a committee meeting resolves to dispose of the said asset. A record shall be kept of the disposal outcome; should it be destroyed, donated, or sold.

19. ALTERATION OF THE CONSTITUTION.

Notice of a special resolution to change the Constitution is to be given at an Ordinary General Meeting prior to the meeting at which the special resolution is to be dealt with and only financial members may vote.

Notice containing the terms of the resolution shall be sent to all financial members by mail, email, or inclusion in the Society (and Branches) magazine. No clauses or rule shall be amended unless such notice has been received and all members are given at least twenty-one (21) days' notice of the meeting at which the special resolution will be dealt with.

A review of the Constitution should be conducted every 5 years to keep it current for the times and conditions presented to Aviculture.



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A special resolution to change the Constitution is passed if it is supported by at least 75% of members exercising their vote attending the meeting where the special resolution will be dealt with (after 21 days' notice has been given to all financial members).

20. DISBANDMENT

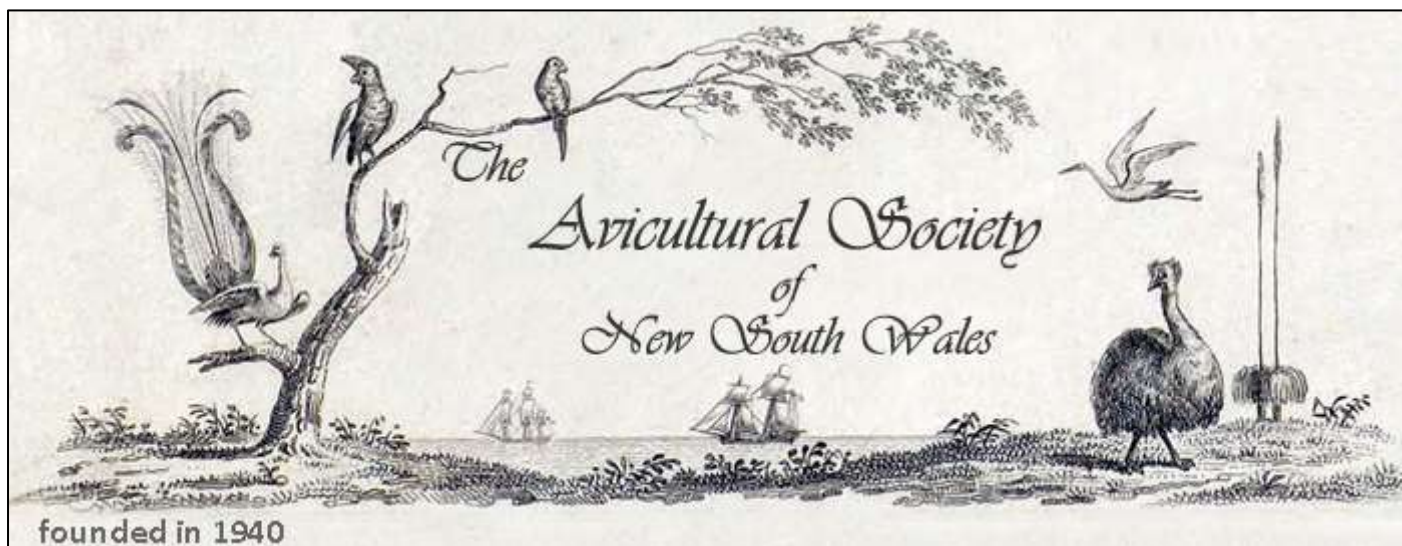
1. Disbanding the Society

- a) A special resolution to disband the Society is to be authorised at an Ordinary General Meeting of the Society prior to the meeting at which the special resolution is to be dealt with.
- b) All financial members are to be notified by mail, e-mail, or inclusion in the Society magazine at least twenty-one (21) days prior to the meeting at which the special resolution to disband is to be dealt with.
- c) A special resolution to disband the Society is passed if it is supported by at least 75% of members exercising their vote.

2. Disbanding a Branch

- a) Each Branch consists of at least fifteen (15) members (*refer 3 BRANCHES*), therefore a Branch may not disband whilst at least fifteen (15) members wish the branch to continue.
- b) A resolution to disband a Branch is to be authorised at an Ordinary General Meeting of the Branch prior to the meeting at which the resolution is to be dealt with.
- c) All financial members are to be notified by mail, e-mail, or inclusion in the Branch magazine at least twenty-one (21) days prior to the meeting at which the resolution to disband is to be dealt with.
- d) A resolution to disband a Branch is passed if it is supported by at least 75% of members exercising their vote AND the number of members voting against disbandment is less than fifteen (15) (*refer 2 a) above*).

Upon disbandment of the Society or of one of its Branches, any assets remaining after payment of all liabilities shall not be distributed to members but shall be invested by the Trustees to be applied to the re-establishment of the Society or Branch within a period of three (3) years from the date of disbandment.



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In the absence of any re-establishment being realised within this time the Trustees are empowered to disburse the funds to the Society and remaining Branches. Should the Society and all its Branches have been disbanded then funds are to be disbursed to an organisation with similar objectives as the Society and which also prohibits the distribution of assets to members.

Other than as provided by the laws of incorporation the members of the Society including Branch members of the Society shall not be liable for any debt or liability of or of any costs of the disbandment of the Society or Branch.

END