

CONSTITUTION of the

Belconnen Volleyball Club (BVC)

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PART I – PRELIMINARY

1. Name

- 1) The name of the Club shall be
Belconnen Volleyball Club
(Hereinafter called “BVC”)
- 2) This Club shall be affiliated to Volleyball ACT (VACT)

2. Objects

The object of the BVC shall be:

To promote and increase participation in the sport of volleyball in the Belconnen region of the ACT.

3. Interpretation

In this Constitution, unless a contrary intention appears:

“AGM” means the Annual General Meeting;

“Board” means the Board of the BVC as described in Part 3, rule 14;

“Team Captain” means the contact for each BVC team playing in VACT competitions;

“Executive” means the Executive of the BVC described in Part 3, rule 14;

“Financial Year” means the year ending 30 June;

“Member” means a member, however described, of the BVC; and

“Re-affiliation” means re-affiliation with Volleyball ACT.

PART II – MEMBERSHIP

4. Membership qualifications

A person is qualified to be a member if:

- a) a financial member of BVC
- b) has nominated for membership in accordance with subrule 5(i); and
- c) has paid the membership fee.

5. Nomination for membership

- 1) Any person desirous of becoming a member of the BVC shall fill out the required membership form and pay the annual membership fee.
- 2) As soon as it is practicable after receiving a nomination for membership, the Secretary shall add their name to the register of members and, upon the name being so entered, the nominee shall become a member of the BVC
- 3) Upon payment of the membership fee a person is deemed a member of the BVC and bound by these rule.

6. Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the BVC:

- a) Is not capable of being transferred or transmitted to another person; and
- b) Terminates upon cessation of the person's membership.

7. Cessation of Membership

A person ceases to be a member of the BVC if the person:

- 1) Dies;
- 2) Resigns from membership of the BVC;
- 3) Is expelled from the BVC;
- 4) Fails to qualify for membership to the BVC; or
- 5) Fails to renew membership of the BVC.

8. Resignation of Membership

- 1) No member shall be held to have resigned their membership until their resignation is received in writing by the Secretary and accepted by the BVC
- 2) Where a person ceases to be a member, the Secretary shall make an appropriate entry in the register of member recording the date on which the member ceased to be a member.

9. Subscriptions

- 1) The annual membership fee of the BVC shall be determined by resolution of the BVC at the AGM
- 2) The annual membership is payable:
 - a. Before 15 July; or
 - b. When a person becomes a member after 15 July, upon submitting their membership form
- 3) Any member who has not paid their subscription shall cease to be a member as per subrule 7(5), provided that the Executive may restore membership to any member whose subscription is paid after that date.

10. Members' Liabilities

The liability of a member to contribute towards the payment of debts and liabilities of the BVC of the costs, charges and expenses of the winding up of the BVC is limited to the amount, if any, unpaid by the member in respect of membership of the BVC as required by rule 9.

11. Disciplining of members

- 1) Where the Board is of the opinion that a member
 - a. Has persistently refused or neglected to comply with a provision of these rules: or
 - b. Has persistently and wilfully acted in a manner prejudicial to the interests of the BVC, the Board may, by resolution:
 - i. Expel the member for the BVC; or
 - ii. Suspend the member from such rights and privileges of membership of the BVC as the Board may determine for a specified period.
- 2) A resolution of the Board under subrule (1) is of no effect unless the Executive, at the meeting held not earlier than 14 days and no later than 28 days after service on the member of a notice under subrule (3), confirms the resolution in accordance with this rule.

- 3) Where the Board passes a resolution under subrule (1), the Secretary shall, as soon as possible, cause a notice in writing to be served on the member.
 - a. Setting out the resolution of the Board and the grounds on which it was based;
 - b. Stating that the member may address the Executive at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - c. Stating the date, place and time of that meeting; and
 - d. Informing the member that the member may do either or both of the following:
 - i. Attend and speak at the meeting;
 - ii. Submit to the Executive at or prior to the date of that meeting written representations relating to that resolution.
- 4) At a meeting of the Executive mentioned in subrule (3), the Executive shall:
 - a. Give the member an opportunity to make oral representations;
 - b. Give due consideration to any written representations submitted to the Executive by that member at or prior to that meeting; and
 - c. By resolution determine whether to confirm, amend or to revoke the resolution of the Board made under subrule(1).
- 5) Where the Executive confirms, amends or revokes a resolution under subrule(4), the Secretary shall, within 7 days after the confirmation, amendment or revocation, by notice in writing inform the member of that decision and of the member's rights of appeal under rule 12.
- 6) A resolution confirmed by the Executive under subrule (4) does not take effect:
 - a. Until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
 - b. Where within that period the member exercises the right of appeal, unless and until the BVC confirms or amends the resolution in accordance with rule 22.

12. Right of Appeal of Disciplined Member

- 1) A member may appeal to the BVC in special meeting against a resolution of the Board, which is confirmed or amended under subrule 11(4), within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice of the effect.
- 2) Upon receipt of a notice under subrule(1), the Secretary shall notify the Board which shall convene a special meeting of the BVC to be held within 14 days after the date on which the Secretary received the notice or as soon as possible after that date.
- 3) A special meeting of the BVC convened under subrule (2):
 - a. No business other than the question of the appeal shall be transacted
 - b. The Board and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both;
 - c. The members present shall vote by secret ballot on the question of whether the resolution made under subrule 11(4)(c) or any amended resolution under subrule 12(3)(c) be confirmed or revoked.
- 4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subrule 11(4), that resolution is confirmed.

PART III – THE BOARD

13. Powers and Duties of the Board

The Board, subject to these rules, and to any resolution passed by the BVC in general meeting:

- a) Shall control and manage the affairs of the BVC, which include to establish Committees with such powers of co-option as the Board sees fit to advise the Board on particular matters;
- b) May exercise all such functions as may be exercised by the BVC other than those functions that are required by this Constitution be exercised by the BVC in general meeting; and
- c) Has the power to perform all such acts and do all such things as appear to the Board to be necessary or desirable for the proper management of that affairs of the BVC
- d) Shall represent the BVC in dealings with VACT and any other bodies that the club may be required to deal with.

14. Constitution and Membership

- 1) The Board shall consist of:
 - a. The Executive of the BVC
 - b. Competition director
 - c. Development director; and
 - d. Social director
- 2) All of whom shall be elected pursuant to rule 15 or appointed in accordance with subrul(5)
 - a. There shall also be 2 ex-official member of the Board
 - b. Head coach; and
 - c. Senior referee, as nominated by the Board
- 3) The executive of the BVC shall be
 - a. The President
 - b. The Treasurer; and
 - c. The Secretary
- 4) Each member of the Board shall, subject to these rules, hold office until the conclusion of the AGM following the date of the member's election, but is eligible for re-election.
- 5) In the event of a vacancy in the membership of the Board, the Executive may appoint a member of the BVC to fill the vacancy. The member so appointed shall hold office, subject to these rules, until the conclusion of the AGM following the date of appointment, but is eligible of re-election.
- 6) Should the Executive, in the event of a vacancy, not use its power under subsection (4) within 14 days of the vacancy, then the vacancy shall be filled by way of an election.

15. President

The President shall:

- a. Be the official representative/spokesman for the BVC on matters of concern to the BVC and the members
- b. Prepare a report no later than 7 days prior to the AGM reflecting material events which occurred throughout the year, which had a direct bearing on the BVC's aims and objectives;
- c. Have power to delegate such duties to members as necessary in performing the role of President. Any delegation of duties must be reported to the next General Meeting of the BVC;
- d. Chair all meetings at which he/she is present.

16. Secretary

The Secretary shall:

- a. Take and keep minutes relating to the BVC meetings and shall make them available for perusal to any member of the BVC at any reasonable time;
- b. Deal with all correspondence of the BVC and keep and account thereof;
- c. Keep in his/her control all records and other documents relating to the BVC;
- d. Maintain a current register of members
- e. Book meeting rooms for the BVC
- f. Give 24 hours notice of the holding of any Executive or Board meeting; and
- g. Give such notices as are required under these rules

17. Treasurer

The Treasurer shall:

- a. Collect, receive and receipt all monies due to the BVC and make payments as required.
- b. Keep correct accounts and books showing the financial affairs of the BVC with full details of all receipts and expenditure connected with the activities of the BVC;
- c. Furnish to the Board for presentation to the AGM a full report of the assets and liabilities and a balance sheet of the finances of the BVC for the preceding year. The Treasurer's report shall be available to all members not less than 7 days prior to the AGM;
- d. Furnish to each General Meeting a financial report.

18. Competitions Co-ordinator

The Competitions Co-ordinator shall:

- a. Chair the Competition Committee
- b. Co-opt members for the Competition Committee;
- c. Co-ordinate the nominations/entry of all BVC teams

- d. Deal with all issues relating to competition matters within the club; and
- e. Furnish a report to the AGM on the Competition Committee.

19. Development Co-ordinator

The Development Co-ordinator shall:

- a. Chair the Development Committee;
- b. Recommend to the Board nominees for the positions of Head Coach and Senior Referee;
- c. Co-opt members for the Development Committee;
- d. Deal with all matters relating to the clinical development within the club; and
- e. Furnish to the AGM a report on the Development Committee

20. Social Co-ordinator

The Social Co-ordinator shall:

- a. Chair the Social/Fundraising Committee;
- b. Co-opt members, etc; and
- c. Deal with all social and fundraising activities within the club.

21. Appointment of Returning Officer

The Executive shall appoint a Returning Office to conduct any election.

22. Duties of Returning Officer

- 1) The Returning Officer shall at least 4 weeks before the AGM, inform each team captain and post a notice at all VACT and competition venues advertising the election by;
 - a. Stating the day on which nominations open, which shall be at least 4 weeks before the AGM
 - b. Stating the day and time that nominations close, which shall be at least 2 weeks before the AGM and not less than 7 days after nominations open.
 - c. Stating the day of the AGM
- 2) The Returning Officer shall receive all nominations and they must be in writing, signed by two members of the BVC and accompanied by the written consent of the candidate (which may be endorsed on the nomination form).
- 3) The Returning Officer shall prepare voting slips for the AGM and prepare a list of nominees for the available positions for display at the AGM and all VACT completion venues 3 days prior to the AGM
- 4) The Returning Officer, on accepting the appointment, shall be ineligible to stand for any position in the election.
- 5) The Returning Officer may appoint such assistant officers as is deemed necessary.
- 6) The Returning Officer shall determine the results of the election by the first past the post method of counting

- 7) The Returning Officer shall announce the results of the election before the close of the AGM and also be presented to the VACT office within 2 working days.
- 8) The Returning Officer, on announcing the results of an election, shall destroy all ballot papers and not communicate the breakdown of voting to any person.

23. Election of Board Member

- 1) The election for Board members is to be held at the AGM and any member of the BVC is eligible to be a candidate.
- 2) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected and further nominations shall be received at all AGM
- 3) If insufficient further nominations are received, any vacant positions remaining on the Board shall be deemed to be vacancies.
- 4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
- 5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- 6) The ballot for the election shall be conducted at the AGM by means of a secret ballot under the first past the post method.
- 7) A person is not eligible to simultaneously hold more than 1 voting position on the Board.

24. Vacancies

- 1) For the purpose of these rules, a vacancy in the office of a member of the Board occurs if the member;
 - a. Dies;
 - b. Ceases to be a member of the BVC
 - c. Resigns from the Board;
 - d. Is removed from the Board pursuant to rule 23;
 - e. Is absent from any two (2) consecutive meetings for the Board without an apology or leave; or
 - f. If positions are not filled at the AGM

25. Removal of Board Members

- 1) The BVC in General Meeting may by resolution removed any member of the Board from office before the expiration of the member's term of office.
- 2) The Board shall not be removed except by a resolution passed by a majority of two-thirds of the members present at a General Meeting.

26. Board and Quorum

- 1) The Board shall meet at least 6 times each financial year, including a minimum of 3 times in each of the Spring and Autumn Competitions, at such place and time as the Board may determine.

- 2) Additional meeting of the Board may be convened by any member of the Board.
- 3) Oral and written notice of a meeting of the Board shall be given by the Secretary to each member of the Board at least 24 hours before the appointed time for the holding of the meeting.
- 4) Notice of a meeting given under subrule (3) shall specify the general nature of the business to be transacted at the meeting. No business other than that business shall be transacted at the meeting except business which the Board members present at the meeting unanimously agree to treat as urgent business.
- 5) At least 4 elected member of the Board including a minimum of two of the Executive, constitute a quorum for the transaction of the business of the meeting of the Board.
- 6) No business shall be transacted by the Board unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to the following week at a time to be decided by the Board.
- 7) If at the adjournment meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- 8) At meeting of the Board:
 - a. The President or in the absence of the President, the Treasurer shall preside; or
 - b. If the President and Treasurer are absent, one of the remaining members of the Board may be chosen by the members present to preside.
- 9) The General Manager of VACT may attend any meeting of the Executive or the Board provided that notice is given to the Secretary.
- 10) All meetings of the Board shall be open to all members except for discussion of any matters of legal advice or any other matter of a confidential or sensitive nature as the Board may determine.

27. Delegation by Board to Committees

- 1) The Board may, by instruction in writing, delegate to one or more Committees (consisting of such member or members of the BVC as the Board things fit) exercise such of the functions of the Board as are specified in the instrument, other than:
 - a. This power of delegation; and
 - b. A function which is a function imposed on the Board by resolution of the BVC in General Meeting.
- 2) A function, the exercise of which has been delegated to a Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the Committee in accordance with the terms of the delegation.
- 3) A delegation under this rule may be made subject to such conditions or limitations as to exercise of any function, or as to time or circumstances as may be specified in the instrument of delegation.
- 4) Notwithstanding and delegation under this rule, the Board may continue any function delegated.
- 5) Any act or thing done or suffered by a Committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Board.
- 6) The Board may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- 7) A Committee may meet any adjourn as it thinks proper..

28. Voting and Decisions

- 1) Questions arising at a meeting of the Board or of any Committee appointed by the Board shall be determined by a majority of the votes of members of the Board or Committee presenting at the meeting.
- 2) Each member present at a meeting of the Board or of any Committee appointed but the Board (including the person presiding at the meeting) is entitled to 1 vote. In the event of an equality of votes on any question, the person residing shall exercise a second or casting vote.
- 3) Subject to subrule 26(5), the Board may act notwithstanding any vacancy on the Committee.
- 4) Any act or thing done suffered, or purporting to have been done or suffered , by the Board or by a Committee of the Board, is valid and effectual notwithstanding any defect that any afterwards be discovered in the appointment or qualifications of any member of the Board or Committee.

PART IV – GENERAL MEETINGS

29. Annual General Meeting – holding of

With the exception of the inaugural AGM of the BVC, the BVC shall within the period of 3 months after the expiration of each financial year of the BVC, convene an AGM of its members.

30. Annual General Meeting – calling of and business at

- 1) The AGM of the BVC shall, subject to rule 27, be convened on such date and at such a place and time as the Board thinks fit.
- 2) In addition to any other business which may be transacted at an AGM, the business of an AGM shall be;
 - a. To confirm the minutes of the last preceding AGM and of any General Meeting held since that meeting;
 - b. To receive from the Board reports on the activities of the BVC during the last preceding financial year;
 - c. To receive and consider the statement of accounts and the reports that are required to be submitted to members;
 - d. To elect members of the Board; and
 - e. To fix the annual membership fees for the ensuring year.
- 3) Notice of an AGM, in addition to that required by rule 30, shall be published in the BVC Newsletter at least 4 weeks prior to the date set down for the AGM
- 4) An AGM shall be conducted in accordance with the provisions of this Part.

31. General and Special Meetings – calling of

- 1) The Board shall convene at least one (1) General Meeting of the BVC in Autumn Competition.
- 2) The Board shall, on the requisition in writing of not less than ten of the total number of member, convene a Special Meeting of the BVC
- 3) A requisition of member of a Special Meeting:
 - a. Shall state the purpose or purposes of the meeting;
 - b. Shall be signed by the members making the requisition;
 - c. Shall be lodged with the Secretary; and
 - d. May consist of several documents in a similar form, each signed by at least 2 of the members making the requisition
- 4) If the Board fails to convene a Special Meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the Secretary. At least 2 of the members who made the requisition may convene a Special Meeting to be held not later than 2 months after that date.
- 5) A Special Meeting convened by 2 members referred to in subrule (4) shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Board.

Any member who thereby incurs expense is entitled to be reimbursed by the BVC for any reasonable expense so incurred.

32. Notice

- 1) The Secretary shall, at least 14 days before the date fixed for the holding of a General or Special Meeting send each team captain at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting and advising the team captain to distribute this notice to his/her team members.
- 2) No business other than that specified in the notice convening a General or Special Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to subrule 26(2).
- 3) A member desiring to bring any business before the General or Special Meeting may give notice in writing to that business to the Secretary who shall include that business in the next notice calling a General or Special Meeting given after receipt of the notice from the member.

33. Meetings – procedure and quorum

- 1) No item of business shall be transacted at a General or Special Meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.
- 2) 10 members entitled under these rules to vote at a General Meeting including at least 2 members of the Executive present constitute a quorum for the transaction of the business of a meeting
- 3) If within half an hour after the appointed time for the commencement of General or Special 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 (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to member given before the day to which the meeting is adjourned) at the same place.
- 4) If at the adjournment meeting a 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 member of the BVC's membership) shall constitute a quorum.

34. Presiding member

- 1) The President, or in the absence of the President, the Treasurer, shall preside at each General Meeting of the BVC
- 2) If the President and the Treasurer are absent from a General Meeting, the members present shall elect 1 of their number to preside at the meeting.

35. Adjournment

- 1) The person presiding at the 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. No business shall be transacted at an adjournment meeting other than that business left unfinished at the meeting at which the adjournment took place.

- 2) Where the General Meeting is adjourned for 14 days or more, the Secretary shall give written or oral notice of the adjournment meeting to each team captain of the BVC stating the place, date and time of the meeting, the nature of the business to be transacted at the meeting and advising the team captain to distribute this notice to his/her team members.
- 3) Except as provided in subrules (1) and (2), notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

36. Making of Decisions

- 1) A question arising at a General Meeting of the BVC shall be determined on a show of hands. Before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has been carried unanimously or carried by a particular majority or lost. An entry to that effect in the minute book of the BVC, is evidence of the fact without proof of the number or proportion of the votes recorded in favour or against that resolution.
- 2) At a General Meeting of the BVC, a poll may be demanded by the person presiding or by not less than 5 members present at the meeting.
- 3) Where the poll is demanded at a General Meeting, the poll shall be taken:
 - a. Immediately in the case of a poll which related to the election of the person to preside at the meeting or to the question of an adjournment; or
 - b. In any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

37. Voting

- 1) Subject to subrule (3), upon any question arising at a General Meeting of the BVC a member has 1 vote only.
- 2) All votes shall be given personally.
- 3) In the case of an equality of votes on a question at a General Meeting, the person presiding is entitled to exercise a second or casting vote.
- 4) A member is not entitled to vote at any General Meeting of the BVC unless all money due and payable by the member to the BVC has been paid.

PART V – MISCELLANEOUS

38. Funds – source

- 1) The funds of the BVC shall be derived from annual subscriptions of members, donations and, subject to any resolution passed by the BVC in General Meeting, such other sources as the Board determines.
- 2) All money received by the BVC shall be deposited within 2 working days and without deduction to the credit of the BVC's account.
- 3) The BVC shall, within 2 working days after receiving any money, issue and appropriate receipt.

39. Funds – management

Subject to any resolution passed by the BVC in General Meeting, the funds of the BVC shall be used to pursue the objects of the BVC in such manner as the Board determines.

40.

- 1) The objects of the BVC and these rules may only be altered notwithstanding other rules if and only if:
 - a. Passed by at least 75% of the members present at a General Meeting; and
 - b. Notice of such changes must be made in the next BVC publication.

41. Custody of Books

Subject to these rules, the Secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to BVC.

42. Inspection of Books

The records, books and other documents of the BVC shall be open to inspection by a member of the BVC at any reasonable hour.

43. Service of notices

- 1) For the purpose of these rules, a notice may be served by or on behalf of the BVC upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- 2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall unless the contrary is provided, be

deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

44. Property

All property acquired by the BVC shall be charged to an inventory and shall be accounted for annually.

45. Surplus Property

In the event of the dissolution or winding up of the BVC all of its surplus property transfers to VACT.

46. Dissolution of the BVC

- 1) The BVC may only be dissolved by a majority vote of two-thirds of the members at a General Meeting, provided that one months notice of the proposed dissolution is given to the Secretary for notification of all members.
- 2) Further to the notice requirements of rule 32, a General Meeting called to consider the dissolution of the BVC shall be circulated on notice boards at all VACT competition venues at least 2 weeks prior to the date set down for the General Meeting.
- 3) If upon the dissolution of the BVC there remains, after the satisfaction of all its debts and liabilities, any monies or funds; these will be passed on to VACT.

47. Affiliation

- 1) Upon fulfilling the requirements of the VACT Club Model the BVC shall be affiliated with VACT.
- 2) The BVC may affiliate with any body which has similar or substantially similar objects as may be approved by the Board.