



**Est 2012**

## **Constitution and By Laws**

Based on the Model Rules for Incorporation of Associations – NSW  
Department of Fair Trading. Under the Associations Incorporation Act, 1984.

## Contents

<b>Part 1 - Preliminary</b> .....	3
1. Definitions .....	3
<b>Part 2 - Membership</b> .....	4
2. Membership generally .....	4
3. Nomination for membership .....	4
4. Cessation of membership .....	5
5. Membership entitlements not transferable .....	5
6. Resignation of membership .....	5
7. Register of members .....	5
8. Fees and subscriptions .....	6
9. Members' liabilities .....	6
10. Resolution of disputes .....	6
11. Disciplining of members .....	6
12. Right of appeal of disciplined member .....	7
<b>Part 3 - The committee</b> .....	8
13. Powers of the committee .....	8
14. Composition and membership of committee .....	8
15. Election of committee members .....	8
16. Secretary .....	9
17. Treasurer .....	9
18. Casual vacancies .....	9
19. Removal of committee members .....	10
20. Club meetings and quorum .....	10
21. Delegation by club to sub-committee .....	11
22. Voting and decisions .....	11
<b>Part 4 - General meetings</b> .....	12
23. Annual general meetings - holding of .....	12
24. Annual general meetings - calling of and business at .....	12
25. Special general meetings - calling of .....	12
26. Notice .....	13
27. Quorum for general meetings .....	13
28. Presiding member .....	13
29. Adjournment .....	14
30. Making of decisions .....	14
31. Special resolutions .....	14
32. Voting .....	14
33. Proxy votes not permitted .....	14
<b>Part 5 - Miscellaneous</b> .....	15
35. Insurance .....	15
36. Funds - source .....	15
37. Funds - management .....	15
38. Change of name, objects and constitution .....	15
39. Custody of books etc .....	15
40. Inspection of books etc .....	15
41. Service of notices .....	15
42. Financial year .....	16
43. In the Event of the Club ceasing to function .....	16
<b>Appendix 1 Application for membership of Club</b> .....	17

# Part 1 - Preliminary

## 1. Definitions

(1) In this constitution:

**Director-General** means the Director-General of the Department of Services, Technology and Administration.

**secretary** means:

- (a) the person holding office under this constitution as secretary of the Club, or
- (b) if no such person holds that office - the public officer of the Club.

**special general meeting** means a general meeting of the Club other than an annual general meeting.

**the Act** means the *Associations Incorporation Act 2009*.

**the Regulation** means the *Associations Incorporation Regulation 2010*.

**the Club** means the Junee Motor Club

**the Committee** means the elected office bearers of the Club

**the Sub-Committee** is a committee elected by the Club to organise special functions, events or administrative matters as required from time to time.

(2) In this constitution:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

## **Part 2 - Membership**

### **2. Membership generally**

- (1) A person is eligible to be a member of the Club if:
  - (a) the person is a natural person, and
  - (b) the person has been nominated and approved for membership of the Club in accordance with clause 3.
- (2) A person is taken to be a member of the Club if:
  - (a) the person is a natural person, and
  - (b) the person was:
    - (i) in the case of an unincorporated body that is registered as the Club - a member of that unincorporated body immediately before the registration of the Club, or
    - (ii) in the case of an Club that is amalgamated to form the relevant Club - a member of that other Club immediately before the amalgamation, or
    - (iii) in the case of a registrable corporation that is registered as an Club - a member of the registrable corporation immediately before that entity was registered as an Club.
- (3) A person is taken to be a member of the Club if the person was one of the individuals on whose behalf an application for registration of the Club under section 6 (1) (a) of the Act was made.

### **3. Nomination for membership**

- (1) A nomination of a person for membership of the Club:
  - (a) must be made by a member of the Club in writing in the form set out in Appendix 1 to this constitution, and
  - (b) must be lodged with the secretary of the Club.
- (2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the Club which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the committee makes that determination, the secretary must:
  - (a) notify the nominee, in writing, that the Club approved or rejected the nomination (whichever is applicable), and
  - (b) if the Club approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.
- (4) The secretary must, on payment by the nominee of the amounts referred to in subclause (3) (b) within the period referred to in that provision, enter or cause to be entered the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the Club.

#### **4. Cessation of membership**

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the Club, or
- (d) fails to pay the annual membership fee under clause 8 (2) within 3 months after the fee is due.

#### **5. Membership entitlements not transferable**

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

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

#### **6. Resignation of membership**

- (1) A member of the Club may resign from membership of the Club by first giving to the secretary written notice of at least one month (or such other period as the club may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the Club ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

#### **7. Register of members**

- (1) The secretary of the Club must establish and maintain a register of members of the Club specifying the name and postal or residential address of each person who is a member of the Club together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
  - (a) at the main premises of the Club, or
  - (b) if the Club has no premises, at the Club's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the Club at any reasonable hour.
- (4) A member of the Club may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
  - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Club or other material relating to the Club, or
  - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

## **8. Fees and subscriptions**

- (1) A member of the Club must, on admission to membership, pay to the Club a fee of \$1 or, if some other amount is determined by the club, that other amount.
- (2) In addition to any amount payable by the member under subclause (1), a member of the Club must pay to the Club an annual membership fee of \$2 or, if some other amount is determined by the club, that other amount:
  - (a) except as provided by paragraph (b), before 1 July in each calendar year, or
  - (b) if the member becomes a member on or after 1 July in any calendar year - on becoming a member and before 1 July in each succeeding calendar year.

## **9. Members' liabilities**

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by clause 8.

## **10. Resolution of disputes**

- (1) A dispute between a member and another member (in their capacity as members) of the Club, or a dispute between a member or members and the Club, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

## **11. Disciplining of members**

- (1) A complaint may be made to the committee by any person that a member of the Club:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - (b) has wilfully acted in a manner prejudicial to the interests of the Club.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
  - (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The club may, by resolution, secret ballot and a 75% majority of members present, expel the member from the Club or suspend the member from membership of the Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the

complaint have been proved and the expulsion or suspension is warranted in the circumstances.

- (5) If the club expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the club for having taken that action and of the member's right of appeal under clause 12.
- (6) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under clause 12, whichever is the later.

## ***12. Right of appeal of disciplined member***

- (1) A member may appeal to the Club in general meeting against a resolution of the club under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of the Club to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the Club convened under subclause (3):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by votes cast with a decision being made by a 75% majority of members present at the meeting.

## **Part 3 - The committee**

### **13. Powers of the committee**

Subject to the Act, the Regulation and this constitution and to any resolution passed by the Club in general meeting, the committee:

- (a) is to control and manage the affairs of the Club, and
- (b) may exercise all such functions as may be exercised by the Club, other than those functions that are required by this constitution to be exercised by a general meeting of members of the Club, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the Club.

### **14. Composition and membership of committee**

- (1) The committee is to consist of:
  - (a) the office-bearers of the Club, and
- (2) The total number of committee members is to be 5.
- (3) The office-bearers of the Club are as follows:
  - (a) the president,
  - (b) the vice-president x 2
  - (c) the treasurer,
  - (d) the secretary.
- (4) A committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (5) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (6) The term for Committee members will be a maximum of 2 years.

### **15. Election of committee members**

- (1) Nominations of candidates for election as office-bearers of the Club or as ordinary committee members:
  - (a) must be made in writing, signed by 2 members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
  - (b) must be delivered to the secretary of the Club at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.



- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers of the committee is to be conducted at the annual general meeting in such usual and proper manner as the Club may direct.
- (7) A person nominated as a candidate for election as an office-bearer of the Club must be a member of the Club.

## **16. Secretary**

- (1) The secretary of the Club must, as soon as practicable after being appointed as secretary, lodge notice with the Club of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers and members of the committee, and
  - (b) the names of members of the committee present at a general meeting and;
  - (c) all proceedings at general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

## **17. Treasurer**

It is the duty of the treasurer of the Club to ensure:

- (a) that all money due to the Club is collected and received and that all payments authorised by the Club are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the Club, including full details of all receipts and expenditure connected with the activities of the Club.

## **18. Casual vacancies**

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
  - (a) dies, or
  - (b) ceases to be a member of the Club, or
  - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
  - (d) resigns office by notice in writing given to the secretary, or
  - (e) is removed from office under clause 19, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is absent without the consent of the committee from 3 consecutive meetings of the club, or

- (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

### **19. Removal of committee members**

- (1) The Club in general meeting may by resolution remove any member of the committee from office before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the Club, the secretary or the president may send a copy of the representations to each member of the Club or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

### **20. Club meetings and quorum**

- (1) The club must meet at least 3 times in each period of 12 months at such place and time as the club may determine.
- (2) Additional meetings of the club may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the club must be given by the secretary to each member of the club at least 48 hours (or such other period as may be unanimously agreed on by the members of the club) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting.
- (5) Any 9 members of the club constitute a quorum for the transaction of the business of a general meeting.
- (6) No business is to be transacted by the club unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the club
  - (a) the president or, in the president's absence, the vice-president is to preside, or
  - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

## **21. Delegation by club to sub-committee**

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

## **22. Voting and decisions**

- (1) Questions arising at a meeting of the club or of any sub-committee appointed by the club are to be determined by a majority of the votes of members of the club or sub-committee present at the meeting.
- (2) Each member present at a meeting of the club or of any sub-committee appointed by the club (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 20 (5), the club may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the club or by a sub-committee appointed by the club, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the club or sub-committee.

## **Part 4 - General meetings**

### **23. Annual general meetings - holding of**

- (1) The Club must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The Club must hold its annual general meetings:
  - (a) within 6 months after the close of the Club's financial year, or
  - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

### **24. Annual general meetings - calling of and business at**

- (1) The annual general meeting of the Club is, subject to the Act and to clause 23, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
  - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - (b) to receive from the club reports on the activities of the Club during the last preceding financial year,
  - (c) to elect office-bearers of the Club,
  - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

### **25. Special general meetings - calling of**

- (1) The club may, whenever it thinks fit, convene a special general meeting of the Club.
- (2) The club must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the Club.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the club fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the club.

## **26. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 24 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

## **27. Quorum for general meetings**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Nine members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the following meeting 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 members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

## **28. Presiding member**

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the Club.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

## **29. Adjournment**

- (1) The chairperson of a 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, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (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.

## **30. Making of decisions**

- (1) A question arising at a general meeting of the Club is to be determined by either:
  - (a) a show of hands, or
  - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

## **31. Special resolutions**

A special resolution may only be passed by the Club in accordance with section 39 of the Act.

## **32. Voting**

- (1) On any question arising at a general meeting of the Club a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the Club unless all money due and payable by the member to the Club has been paid.
- (4) A member is not entitled to vote at any general meeting of the Club if the member is under 18 years of age.
- (5) One vote per membership.

## **33. Proxy votes not permitted**

Proxy voting must not be undertaken at or in respect of a general meeting.

## **Part 5 - Miscellaneous**

### **35. Insurance**

The Club must effect and maintain insurance.

### **36. Funds - source**

- (1) The funds of the Club are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the committee determines.
- (2) All money received by the Club must be deposited as soon as practicable and to the credit of the Club's bank or other authorised deposit-taking institution account.
- (3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **37. Funds - management**

- (1) Subject to any resolution passed by the Club in general meeting, the funds of the Club are to be used in pursuance of the objects of the Club in such manner as the club determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee.

### **38. Change of name, objects and constitution**

An application to the Director-General for registration of a change in the Club's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

### **39. Custody of books etc**

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Club.

### **40. Inspection of books etc**

- (1) The following documents must be open to inspection, free of charge, by a member of the Club at any reasonable hour:
  - (a) records, books and other financial documents of the Club,
  - (b) this constitution,
  - (c) minutes of all club meetings.
- (2) A member of the Club may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

### **41. Service of notices**

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
  - (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or

- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

#### ***42. Financial year***

The financial year of the Club is:

- (a) the period of time commencing on the date of incorporation of the Club and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the Club, commencing on 1 July and ending on the following 30 June.

#### ***43. In the Event of the Club ceasing to function***

- (1) The Club notifies the Department of Fair Trading that the Club has ceased to exist.
- (2) Once the funds have been cleared that the Bank account be closed.
- (3) That the club donate any residual Club funds to any not for Profit Organisation that has a motoring interest or is involved with Driver Training.
- (4) And/or the Club Donates any residual Club funds to a local charity that at the time the Club feels would most benefit from a donation.



# Appendix 1 Application for membership of Club

(Clause 3 (1))

## APPLICATION FOR MEMBERSHIP OF CLUB

### JUNEE MOTOR CLUB

Incorporated (incorporated under the *Association Incorporation Act 2009*)

I, .....

[full name of applicant]

of .....

[address]

.....

[occupation]

hereby apply to become a member of the abovenamed incorporated Club. In the event of my admission as a member, I agree to be bound by the constitution of the Club for the time being in force.

.....

*Signature of applicant*

Date

I, .....

[full name]

a member of the Club, nominate the applicant for membership of the Club.

.....

*Signature of proposer*

Date

I, .....

[full name]

a member of the Club, second the nomination of the applicant for membership of the Club.

.....

*Signature of seconder*

Date

# BY LAWS OF THE

## JUNEE MOTOR CLUB

**The following ByLaws supplement the constitution of the Junee Motor Club referred to as Club in this document**

### **OBJECTIVES:**

To enhance and enjoy the internal combustion engine that has changed peoples lives for the last century.

The club encourages enthusiasts interested in

- All motorised modes of transport
  - Tractors
  - Stationery engines
  - Anything with a motor
- a. To promote and organise rallies, displays and such events as suitable for the use of items listed above.
  - b. To promote and engender social activities for members of the Club.

### **CONDUCT:**

1. All members are required to drive or operate a safe vehicle or machinery and act in a responsible manner which does not denigrate the club name. If a club member is reported at a meeting for having an unsafe or defective vehicle or machine, then he or she will be requested to rectify the fault by the next meeting. Three members will be elected to oversee any such vehicle or machine corrections and will have to be unanimously satisfied that the required work has been carried out before the vehicle or machine is allowed to participate in any further club functions.
2. If a member fails to comply with the provisions of the rules, or has membership fees outstanding in arrears or conducts him or herself in a manner considered by the committee to be prejudicial or injurious to the character of the club or its interest, then the management committee shall consider whether his or her membership shall be terminated. Refer to the Constitution for necessary procedures.

### **FEES:**

1. Junee Motor Club fee renewals are due by the 1<sup>st</sup> of July, being the start of the Club's financial year. The fees are to be determined at the Annual General Meeting.

## **CORRESPONDENCE:**

1. All external correspondence with the Club must be addressed to the appropriate officer through the Club's official post office box, or through the Club's official email address.
2. Internal correspondence should be handed to the Secretary.
3. The Public Officer must supply a private address as required by Dept of Fair Trading.

## **EXPENDITURE OF CLUB FUNDS:**

1. Initiatives requiring the expenditure of \$500 or more of Club Funds are to be presented at a general meeting for approval by the membership.
2. Any commitment to real estate is to be presented at a general meeting for approval by the membership.
3. Any recommendation to support a charity is to be presented at a general meeting for approval by the membership.

## **OFFICERS OF THE CLUB**

The elected Officers of the Club and their respective duties shall be as follows and may include any other officer deemed necessary for the running of the Club.

### **PRESIDENT**

- To preside at all meetings of the Club
- The President shall be an ex-officio member of the Committee of Club and shall preside at all meetings thereof.
- The President shall have the casting vote

### **VICE PRESIDENT**

- To fulfil the duties of the President in the Presidents absence
- Other duties as directed by the Committee

### **SECRETARY**

- Attend and keep minutes of all meetings of the Club
- To carry out the instructions of the Club and of the Committee
- Attend to and maintain copies of all correspondence of the Club, and report all correspondence to Club meetings
- Issue minutes, newsletters and notices as may be required
- Keep the Club member register including details of names, addresses, contact details, and date of joining

- To fulfil all responsibilities of the Public Officer including fulfilling Annual Reporting Obligations for the Dept of Fair Trading.
- Shall be an ex-officio member of Club Committees

### **TREASURER**

- Manage and duly report all financial transactions of the Club
- Report all financial transactions and financial status for ratification at each Club meeting
- Prepare and present Annual Financial Statements for AGM in accordance with Sect 27 of the Associations of Incorporation Act 1984 and the NSW Dept Fair Trading Requirements
- Countersign all contracts, documents and other financial documents for payment in the name of the Club

### **EVENTS CO-COORDINATOR**

- Plan, co-ordinate and record official Club runs and events
- Provide Club members with a variety of Run and Events options
- Maintain and update Run Notices to be presented at Club meetings for distribution with Club meeting Minutes and Newsletter

### **PLATES REGISTRAR**

- Maintain Club Register of all official Club runs and events and all use of Vehicles on Conditional Registration apart from legitimate servicing
- Maintain a Club Register of all Club members' vehicles on conditional club registration

### **CLUB MEMBERS**

- To comply with both the Club Constitution and the RTA Regulations relating to the use of Vehicles on Conditional Historic Vehicle Club Registration.
- To conduct themselves at all times within the spirit of the Club
- Notify the Plates Registrar of all use of vehicles on conditional registration for recording in the club register.
- On payment of the annual membership dues, both the members and their spouse are to be considered as financial members and are entitled to vote at meetings of the Club.
- Members are encouraged to keep a vehicle-operation Log book

### **NEW MEMBERS:**

- I. On being accepted as a member, the new member will be issued with a copy of the Constitution and ByLaws of the Junee Motor Club.

### **CLASSES OF MEMBERSHIP:**

- I. MEMBER – A member is any person elected to membership in accordance with the rules in Section 3 of the Constitution, and is bound by the rules

contained in that constitution. A member enjoys all the rights and responsibilities associated with membership of the club. A member has one vote at any club meeting.

2. **FAMILY MEMBER** – A family member is defined as a partner or sibling residing in the same household as the primary member. There is no additional fee due for a family member. A family member has no voting rights.
3. **JUNIOR MEMBER** – A member under the age of 18 years. Junior members have no voting rights.
4. **LIFE MEMBER** – A member who has rendered service of outstanding merit, may, on the recommendation of the Committee, be elected as a Life Member at the AGM, by 75% of the majority. A life member has one vote at any club meeting.
  - a) The proposed Life Member must have at least 10 years continuous service.
  - b) The nominator and seconder of the proposed Life Member shall make nomination in writing to the Committee stating reasons why nominated party should be considered.
  - c) If the committee rejects the nomination, the proposers shall be advised in writing including reasons.
  - d) If the nominated is accepted, the nomination stating reason is to be distributed to members.

## **PART I – RESPONSIBILITY OF CLUB MEMBERS**

- a) All registration enquiries must be direct to the Plates Registrar. Individual approaches to the Roads and Maritime Services are not permitted.
- b) Historic number plates are issued to a member of the club and are not transferable either to another vehicle or person in the event of the vehicle being sold.
- c) Plates must be immediately returned to the Roads and Maritime Services:-
  - 1) In the event of the sale of the vehicle on which they are issued
  - 2) Upon the member's resignation from the Club
  - 3) Upon the member's failure to remain a financial member within the meaning of the Constitution of the Club or on failure to pay any levy that may be constitutionally approved by a duly constituted Club meeting
  - 4) At the directive of a Club Committee decision
  - 5) If the Club Inspector considers the vehicle has been made unsafe or altered after it has been inspected.

## **PART 2 – ANNUAL VEHICLE INSPECTION FOR VEHICLES NOT ON FULL REGISTRATION**

- a) All vehicles must undergo an annual inspection.
- b) Official persons will be designated as inspectors. Such inspectors are the only persons authorised to certify vehicles roadworthy under this constitution as required by the Roads and Maritime Services.
- c) Moneys payable for membership shall be paid on or before the annual registration date.
- d) Chassis, serial, body and engine numbers will form part of the identification of a Historic vehicle. Any change must be notified in writing to the Roads Maritime Services and the Club's plate's registrar.

## **PART 3 – VEHICLE INSURANCE REQUIREMENTS**

A minimum insurance cover of Third Party Property Insurance is required. Proof of a cover must be provided to the Club Registrar. It is strongly recommended that full insurance be obtained. As a policy, full insurance on a Conditional registration vehicle is approximately the same cost as Third Party Property Insurance.

Vehicles on full Registration must provide the plates registrar with evidence of current registration and insurance annually.

## **PART 4 – STREET RODS**

Owners of Street Rods must also be a member of the Australian Street Rod Federation (ASRF) and comply with all rules of that federation.