

**CONSTITUTION & RULES FOR WIMMERA KART RACING CLUB
INCORPORATED. No. A0001687G**

September 2021 changes in Blue

Statement of Purpose

The Wimmera Kart Racing Club aims to promote the sport of kart racing
for the Wimmera community.

1 Name

- (1) The name of the incorporated association is
Wimmera Kart Racing Club Incorporated.

2 Definitions

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

"Act" means the Associations Incorporation Act 1981

"committee" means the committee of management of the
Association.

"financial year" means the year ending on the 30 June.

"general meeting" means a general meeting of members convened in accordance with
Rule 12.

"member" means a member of the Association.

"ordinary member of the committee" means a member of the committee who is not an
officer of the Association under Rule 21.

"Regulations" means regulations under the Act.

- (2) In these Rules, a reference to the Secretary of an
Association is a reference

(a) where a person holds office under these rules as Secretary of the Association-to
that person; and

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

- (3) Words or expressions contained in these Rules shall be interpreted in accordance with
the Interpretation of legislation
Act 1984 and the Act as in force from time to time.

3 Alteration of the rules

These Rules and the statement of purpose of the Association must not be altered except in
accordance with the Act.

4 Membership entry fees and subscription

Amended September 2021.

- (1) A natural person who applies for **Ordinary or Associate Membership** and is approved
for membership as provided in these Rules is eligible to be a member of the Association
on payment of the entrance fee and annual subscription payable under these Rules.

- (2) An application of a person for **Ordinary or Associate** membership of the Association must-
 - (a) be made in writing in the form set out in Appendix 1; and
 - (b) be lodged with the secretary of the Association or other nominated officer.
- (3) As soon as practicable after the receipt of an application, the Secretary must refer the application to the committee
- (4) The committee must determine whether to approve or to reject the application
- (5) If the committee approves an application for membership, the Secretary must as soon as practicable-
 - (a) notify the applicant of the approval for membership of the association; and
 - (b) request payment within 14 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's annual subscription
- (6) The Secretary must, within 28 days after the receipt of the amounts referred to in sub-rule (5) enter the applicants name in the register of **Ordinary/Associate** members.
- (7) An applicant for **Ordinary** membership becomes entitled to exercise rights of membership when the members name is entered in the register of members. **Associate membership members are not entitled to vote at any meeting**
- (8) If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (9) A right privilege, or obligation of a person by reason of **Ordinary/Associate** membership of the Association-
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of membership whether by death or resignation or otherwise.
- (10) The entrance fee is \$5.00
- (11) The annual subscription shall be determined at the Annual General Meeting, and is payable in advance on or before the 1st of January, each year.

5 Register of members

- (1) The Secretary must keep and maintain a register of members containing-
 - (a) the name and address of each member and
 - (b) the date on which each member name was entered in the register.
- (2) The register must be available for inspection and copying by members upon request.

6 Ceasing membership

- (1) A member of the Association who has paid all moneys due and payable by the member to the association may resign from the Association by giving one months' notice in writing to the Secretary of his or her intention to resign.
- (2) After expiration of the period referred to in sub-rule (1)-
 - (a) the member ceases to be a member; and
 - (b) the Secretary must record in the register of members the date on which the member ceased to be a member.

7 Expulsion and suspension of members

- (1) Subject to these Rules, the committee may by resolution-
 - (a) expel **an Ordinary/Associate** member from the Association.
 - (b) suspend **an Ordinary/Associate** member from membership of the Association for a specified period; or
 - (c) fine **an Ordinary/Associate** member not exceeding \$500.00- if the committee is of the opinion that the member-
 - (d) has refused or neglected to comply with these Rules; or
 - (e) has been guilty of conduct unbecoming **an Ordinary/Associate** member or prejudicial to the interests of the association
- (2) A resolution of the Committee under sub-rule (1)
 - (a) does not take effect unless the committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the **Ordinary/Associate** member of a notice under sub-rule (3), confirms the resolution in accordance with this rule; and
 - (b) if the **Ordinary/Associate** member exercises a right of appeal to the Association under this rule, does not take effect unless the Association confirms the resolution in accordance with this rule.
- (3) If the committee passes a resolution under sub-rule (1), the Secretary must, as soon as practicable, cause to be served on the member a notice in writing-
 - (a) setting out the resolution of the committee and the grounds on which it is based.
 - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not less than 28 after service of the notice.
 - (c) stating the date, place, and time of that meeting.

- (d) informing the **Ordinary/Associate** member that he or she may do one or more of the following-
 - (i) attend that meeting.
 - (ii) give to the committee before the date of that meeting a written statement seeking revocation of the resolution.
 - (iii) not later than 24 hours before the date of the meeting lodge with the Secretary a notice of the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- (4) At a meeting of the committee held in accordance with sub-rule (2), the committee must-
 - (a) give the **Ordinary/Associate** member an opportunity to be heard.
 - (b) give due consideration to any written statement submitted by the member.
 - (c) determine by resolution whether to confirm or revoke the resolution.
- (5) If the Secretary receives a notice under sub-rule (3), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (6) At a general meeting of the Association convened under sub-rule (5)-
 - (a) no business other than the question of the appeal may be transacted.
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution.
 - (c) the **Ordinary/Associate** member must be given an opportunity to be heard.
 - (d) the **Ordinary** members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (7) If at the general meeting-
 - (a) two-thirds of the **Ordinary** members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed.
 - (b) in any other case, the resolution is revoked.

8 Disputes

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between-
 - (a) **an Ordinary** member and another **Ordinary** member; or
 - (b) **an Ordinary** member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

- (3) If the parties are unable to resolve the dispute at the meeting under sub-rule (2) or if the party fails to attend that meeting, then the parties must within 10 days, hold another meeting in the presence of a referee.
 - (4) The referee must be-
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of an agreement-
 - (i) in the case of a dispute between **an Ordinary/Associate** member and another **Ordinary/Associate** member, the committee of the Association; or
 - (ii) in the case of a dispute between **an Ordinary/Associate** member and the Association, a person who is a member of the Dispute Settlement Centre of Victoria (Department of Justice).
 - (5) **An Ordinary** member of the Association can be a referee.
 - (6) The referee cannot be a member who is a party to the dispute.
 - (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
 - (8) The mediator in conducting the mediation, must-
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration be all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
 - (9) The mediator must not determine the dispute.
 - (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.
- This rule provides for resolution of a dispute by a referee. Note that section 14a of the Act provides another procedure whereby application may be made to the Magistrates' Court for an order declaring and enforcing rights or obligations of members between themselves, or of the Association and a member between themselves. The Court may refuse to make an order, or may make an order for costs, if the Court is of the opinion that the application is unreasonable or the issue trivial.

9 Annual General Meetings

- (1) The committee may determine the date, time, and place of the annual general meeting of the Association.
- (2) The annual general meeting shall be convened on or before the 31st of August each year.
- (3) The ordinary business of the annual general meeting shall be-
 - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting since that meeting.
 - (b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year.
 - (c) to elect officers of the Association and the ordinary members of the committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30 (3) of the Act.
- (4) The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- (5) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

10 Special general meetings

- (1) All general meetings other than the annual general meeting shall be special general meetings.
- (2) The committee may, whenever it thinks fit, convene a special general meeting of the Association and, where for this sub-rule, more than fifteen months would elapse, between annual general meetings, must convene a special general meeting before the expiration of that period.
- (3) The committee must, on the requisition in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Association.
- (4) The requisition for a special general meeting must -
 - (a) state the objects of the meeting.
 - (b) be signed by the members making the requisition; and
 - (c) be sent to the address of the Secretary.
- (5) If the committee does not cause a special general meeting to be held within the month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three months after the date.

- (6) A special general meeting convened by **Ordinary** members in pursuance of this must be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee and all reasonable expenses incurred in convening the meeting must be refunded by the Association to the persons incurring the expenses.

11. Special business

All Business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that referred to in these Rules as being the ordinary business of the annual general meeting shall be deemed to be special business.

12. Notice of general meetings.

Amended September 2021.

- (1) The Secretary of the Association must at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at the electronic communication address appearing in the register of members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) No business other than that set out in the notice convening the meeting may be transacted at the meeting.
- (3) An **Ordinary** member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who must include that business in the notice calling the next general meeting after the receipt of the notice.

13. Quorum at general meetings.

- (1) No item of business may be transacted at a general meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering the item.
- (2) Five **Ordinary** members personally present (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If, with half an hour after the appointed time for the commencement of a general meeting a quorum is not present -
 - (i) in the case of a meeting convened upon the requisition of members - the meeting must be dissolved; and
 - (ii) in any other case -
 - (a) the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place , and
 - (b) if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting the members present (being not less than 3) shall be a quorum.

14. Presiding at general meetings

- (1) The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Association.
- (2) If the President and the Vice-President are absent from a general meeting, the members must select one their number to preside.

15. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be transacted at an adjourned meeting other than the business unfinished at the meeting which was adjourned.
- (3) Where a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12.
- (4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

16. Voting at general meetings

- (1) Upon any question arising at a general meeting of the Association, **an Ordinary** member has one vote only.
- (2) All votes must be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote
- (4) **An Ordinary** Member is not entitled to vote at a general meeting unless all monies due and payable by the member to the association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

17. Poll at general meetings.

- (1) If at a meeting a poll on any question is demanded by less than three **Ordinary** members, it must be taken at the meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chair Person may direct.

18. Manner of determining whether resolution carried.

If a question arising at a general meeting of the Association is determined on a show of hands

- (a) a declaration by the Chairperson that a resolution has been carried or carried unanimously or carried by a particular majority or lost; and

(b) an entry to that effect in the minute book of the Association.

is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

19. Proxies

(1) Each **Ordinary** member is entitled to appoint another **Ordinary** member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed

(2) The notice appointing the proxy must be in the form set out in Appendix 2.

20. Committee of Management.

(1) The affairs of the Association shall be managed by the committee of management constituted as provided in this rule.

(2) The committee

(a) Shall control and manage the business and affairs of the Association.

(b) may, subject to these Rules, the Act and the Regulations exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association; and

(c) subject to these Rules, the Act, and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.

(3) Subject to section 23 of the Act, the committee shall consist of -

(a) the officers of the Association; and

(b) two ordinary members -

each of whom shall be elected at the annual general meeting of the Association in each year.

(4) Each ordinary member of the committee shall, subject to the rules, hold office until the annual general meeting next after the date of election but is eligible for re-election.

(5) In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of the Association to fill the vacancy and the **Ordinary** member so appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

21. Office holders.

- (1) The officers of the Association shall be -
 - (a) a President
 - (b) a Vice - President
 - (c) a Treasurer; and
 - (d) a Secretary.
- (2) The provisions of rule 22 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any office mentioned in sub-rule (1).
- (3) Each officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-rule (1) the committee may appoint one of its **Ordinary** members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

22. Election of officers and ordinary committee members

- (1) Nominations of candidates for election as officers of the Association or as ordinary members of the committee -
 - (a) must be made in writing, signed by two **Ordinary** members of the Association, and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) must be delivered to the Secretary of the Association not less than seven days before the date fixed for the holding of the annual general meeting.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (5) The Ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.
- (6) A nomination of a candidate for election under this rule is not valid if that candidate has been nominated for another office for election at the same meeting.

23. Vacancies.

The office of an officer of the Association or of an ordinary member of the committee becomes vacant if the officer or member -

- (a) ceases to be a member of the Association
- (b) becomes an insolvent under administration; or
- (c) resigns from office by notice in writing given to the Secretary.

24. Proceedings of the committee.

- (1) The committee must meet at least 3 times in each year at such place and such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President or by any four members of the committee.
- (3) Notice must be given to members of the committee of any special meetings specifying the general nature of the business to be transacted and no other business may be transacted at such a meeting.
- (4) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (5) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

25. Quorum for committee meetings.

- (1) Any four **Ordinary** members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (2) No business may be transacted unless a quorum is present
- (3) If within half an hour of the time appointed for the meeting a quorum is not present-
 - (i) in the case of a special meeting - the meeting lapses
 - (ii) in any other case - the meeting shall stand adjourned to the same place and the same time and day in the following week.

26. Presiding at committee meetings.

- (1)) At the meeting of the committee
 - (a) the President or in the Presidents absence the Vice-President shall preside; or
 - (b) if the President and the Vice-President are absent, the members present must select one of their number to preside.

27. Notice of committee meetings.

- (1) Written notice of each committee meeting must be served on each member of the committee by delivering it to the member at a reasonable time before the meeting or by sending it by pre-paid post addressed to him or her at his or her usual or last known place of abode at least two business days before the date of the meeting.
- (2) Subject to rule 25, the committee may act notwithstanding any vacancy on the committee.

28. Removal of committee member.

- (1) The Association in general meeting may by resolution remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) The member to whom a proposed resolution referred to in sub-rule (1) makes representation in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be provided to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if they are not so sent, the members may require that they be read out at the meeting.

29. Minutes of meetings.

Secretary of the Association must keep minutes of the resolutions and proceeding of each general meeting and each committee meeting together with a record of the names of persons present at committee meetings.

30. Funds

- (1) The Treasurer of the association must -
 - (a) collect and receive all moneys due to the association and make all payments authorised by the Association; and
 - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) All cheques, drafts, bills of exchange, promissory note and other negotiable instruments must be signed by two members of the committee.
- (3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations, and such other sources as the committee determines.

31. Seal

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority and the committee and the affixing of the common seal must be attested by the signature either of two members of the committee or of one member of the committee and of the Public officer of the Association

32. Service of documents.

- (1) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the address shown in the register of members.
- (2) Where a document is properly addressed, prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

33. Winding up.

Amended Aug 2000.

In the event of the winding up or cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the following.

- (i) a fund with objectives similar to those of the club or association; or
- (ii) a fund which is appropriated exclusively for a purpose referred to in paragraph (a) of the definition of "community purpose" in the Act; or
- (iii) a community or charitable organisation.

34. Custody and inspection of books and records.

- (1) Except as otherwise provided in these Rules the Secretary must keep in his or her custody or under his or her control all books documents and securities of the Association.
- (2) All accounts, books, documents, and securities of the Association must be available for inspection and copying by any member of the Association upon request.

35. Life Membership

Added Aug 2003.

The committee of Management may nominate a member/s of the club for Life Membership to the Wimmera Kart Racing Club.

To meet the criteria for Life Membership the nominee/s must have served the club along the following terms.

Have been an **Ordinary** member of the club for a minimum of 10 years. Given meritorious service to the club during that time.
Have taken an active part in the club during the period of membership.
Served the club in such positions of committee person, official, volunteer or an active karter during their membership

All such nominations must be listed in the notice convening the AGM.

Nominations will be voted on at such AGM, as per Rule 16 of these rules. In order to be successful such nomination/s must be passed by a two third majority.



APPENDIX 1

APPLICATION FOR MEMBERSHIP OF (NAME OF THE ASSOCIATION)

I, _____, desire to become a
(name and occupation)

member of.....
(name of Association)

In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force.

Signature of Applicant

Date

I, _____ a member of the Association
(name)

nominate the applicant, who is personally known to me for membership of the Association.

Signature of Proposer

Date

I, _____ a member of the Association, second
(name)

the nomination of the applicant, who is personally known to me, for membership of the Association.

Signature of Secunder,

Date



APPENDIX 1A

APPLICATION FOR ASSOCIATE MEMBERSHIP OF (NAME OF THE ASSOCIATION)

I, _____, desire to become an Associate
(name and occupation)

member of.....
(name of Association)

In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force.

Signature of Applicant

Date

I, _____ a member of the Association
(name)

nominate the applicant, who is personally known to me for membership of the Association.

Signature of Proposer

Date

I, _____ a member of the Association, second
(name)

the nomination of the applicant, who is personally known to me, for membership of the Association.

Signature of Secunder,

Date



APPENDIX 2

FORM OF APPOINTMENT OF PROXY

I,
(name)

of
(address)

being a member of
(name of Incorporated Association)

appoint
(name of proxy holder)

of
(address of proxy holder)

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the Annual/special * general meeting of the Association to be held on

(date of meeting)

and at any adjournment of that meeting.

My proxy is authorised to vote in favour or 'against * the following resolution (insert details of resolution)

Signed

Date

* Delete if not applicable.



**MEMBERSHIP
APPLICATION.**

I wish to join and agree to abide
by the rules of the Wimmera Kart Racing Club Inc,

A.0001687.G. Signature Date.....

For New Members: -

Nominated by SignedDate.....

Seconded bySigned.....Date.....

ALL Members please complete: -

Residential Address.

Postal Address.

E-mail Address

Telephone No: Home Work Mobile

Occupation: Date of Birth

Names of Competing Members.

Make of Kart.

Subscriptions. (all include GST)

Family (includes parents or guardians and children 16 years and under)	\$100
Non Driving Social	\$25
Associate	\$65
Key Deposit Fee. (Once only)	\$50

Total Amount Enclosed.

Send to: Secretary

Wimmera **Kart** Racing Club Inc POBox920
HORSHAM VIC 3402.

WIMMERA KART RACING CLUB.

NOMINATION FORM.

..... being a financial member of the Wimmera
Kart Racing club wish to nominate,

(Name)

for the following position,

(Position)

(Nominator)

(Secunder)

I am willing to accept such a position.

(Nominated Person)

Received by Secretary.

I

/ /
