

**CONSUMER AFFAIRS VICTORIA**  
**Associations Incorporation Reform Act 2012**

**MODEL RULES**  
**For an**  
**INCORPORATED**  
**ASSOCIATION**

**Associations Incorporation Reform Regulations 2012**

**Part 3**

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# Model Rules for an Incorporated Association

## Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

## PART 1—PRELIMINARY

### 1 Name

The name of the incorporated association is "Mildura Speedway Drivers' Club Incorporated".

#### Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

### 2 Purposes

The purposes of the association are to promote and encourage Speedway driving, and to cater for the social and sporting aspect of Speedway Racing.

### 3 Financial year

The financial year of the Association is each period of 12 months ending on 30<sup>th</sup> June.

### 4 Definitions

In these Rules—

***absolute majority***, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

***Associate member*** means a member referred to in rule 14(1);

***Chairperson***, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

***Committee*** means the Committee having management of the business of the Association;

***Committee meeting*** means a meeting of the Committee held in accordance with these Rules;

***Committee member*** means a member of the Committee elected or appointed under Division 3 of Part 5;

***Disciplinary appeal meeting*** means a meeting of the members of the Association convened under rule 23(3);

***Disciplinary meeting*** means a meeting of the Committee convened for the purposes of rule 22;

***Disciplinary subcommittee*** means the subcommittee appointed under rule 20;

***Financial year*** means the 12 month period specified in rule 3;

***general meeting*** means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

***Member*** means a member of the Association;

**Member entitled to vote** means a member who under rule 13(2) is entitled to vote at a general meeting;

**Special resolution** means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

**The Act** means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

**The Registrar** means the Registrar of Incorporated Associations.

## **PART 2—POWERS OF ASSOCIATION**

### **5 Powers of Association**

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting sub rule (1), the Association may—
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

### **6 Not for profit organisation**

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Sub rule (1) does not prevent the Association from paying a member—
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

#### **Note**

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

## **PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

### **Division 1—Membership**

#### **7 Minimum number of members**

The Association must have at least 5 members.

## **8 Who is eligible to be a member**

Any person who supports the purposes of the Association is eligible for membership.

## **9 Application for membership**

- (1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person—
  - (a) wishes to become a member of the Association; and
  - (b) supports the purposes of the Association; and
  - (c) agrees to comply with these Rules.
- (2) The application—
  - (a) must be signed by the applicant; and
  - (b) may be accompanied by the joining fee.

### **Note**

The joining fee is the fee (if any) determined by the Association under rule 12(3).

## **10 Consideration of application**

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

## **11 New membership**

- (1) If an application for membership is approved by the Committee—
  - (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
  - (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
  - (a) the Committee approves the person's membership; or
  - (b) the person pays the joining fee.

## **12 Annual subscription and fee on joining**

- (1) At each annual general meeting, the Association must determine—
  - (a) the amount of the annual subscription (if any) for the following financial year; and
  - (b) the date for payment of the annual subscription.
- (2) The Association may determine that a lower annual subscription is payable by associate members.
- (3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
  - (a) the full annual subscription; or

- (b) a pro rata annual subscription based on the remaining part of the financial year; or
  - (c) a fixed amount determined from time to time by the Association.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

### **13 General rights of members**

- (1) A member of the Association who is entitled to vote has the right—
- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
  - (b) to submit items of business for consideration at a general meeting; and
  - (c) to attend and be heard at general meetings; and
  - (d) to vote at a general meeting; and
  - (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
  - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
- (a) the member is a member other than an associate member; and
  - (b) more than 10 business days have passed since he or she became a member of the Association; and
  - (c) the member's membership rights are not suspended for any reason.

### **14 Associate members**

- (1) Associate members of the Association include—
- (a) any members under the age of 15 years; and
  - (b) any other category of member as determined by special resolution at a general meeting.
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

### **15 Rights not transferable**

The rights of a member are not transferable and end when membership ceases.

### **16 Ceasing membership**

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

### **17 Resigning as a member**

- (1) A member may resign by notice in writing given to the Association.

#### **Note**

Rule 74(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- (2) A member is taken to have resigned if—
- (a) the member's annual subscription is more than 12 months in arrears; or

- (b) where no annual subscription is payable—
  - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
  - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

## **18 Register of members**

- (1) The Secretary must keep and maintain a register of members that includes—
  - (a) for each current member—
    - (i) the member's name;
    - (ii) the address for notice last given by the member;
    - (iii) the date of becoming a member;
    - (iv) if the member is an associate member, a note to that effect;
    - (v) any other information determined by the Committee; and
  - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

### **Note**

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

## **Division 2—Disciplinary action**

## **19 Grounds for taking disciplinary action**

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

## **20 Disciplinary subcommittee**

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
  - (a) may be Committee members, members of the Association or anyone else; but
  - (b) must not be biased against, or in favour of, the member concerned.

## **21 Notice to member**

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
  - (a) stating that the Association proposes to take disciplinary action against the member; and

- (b) stating the grounds for the proposed disciplinary action; and
  - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
  - (d) advising the member that he or she may do one or both of the following—
    - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
  - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## **22 Decision of subcommittee**

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
  - (a) give the member an opportunity to be heard; and
  - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
  - (a) take no further action against the member; or
  - (b) subject to subrule (3)—
    - (i) reprimand the member; or
    - (ii) suspend the membership rights of the member for a specified period; or
    - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

## **23 Appeal rights**

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
  - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
  - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under sub rule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—
  - (a) specify the date, time and place of the meeting; and
  - (b) state—



- (i) the name of the person against whom the disciplinary action has been taken; and
- (ii) the grounds for taking that action; and
- (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

## **24 Conduct of disciplinary appeal meeting**

- (1) At a disciplinary appeal meeting—
  - (a) no business other than the question of the appeal may be conducted; and
  - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
  - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

## **Division 3—Grievance procedure**

## **25 Application**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
  - (a) a member and another member;
  - (b) a member and the Committee;
  - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

## **26 Parties must attempt to resolve the dispute**

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

## **27 Appointment of mediator**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
  - (a) a person chosen by agreement between the parties; or

- (b) in the absence of agreement—
  - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
  - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

## **28 Mediation process**

- (1) The mediator to the dispute, in conducting the mediation, must—
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

## **29 Failure to resolve dispute by mediation**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

# **PART 4—GENERAL MEETINGS OF THE ASSOCIATION**

## **30 Annual general meetings**

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) Despite sub rule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) The ordinary business of the annual general meeting is as follows—
  - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
  - (b) to receive and consider—
    - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
    - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
  - (c) to elect the members of the Committee;
  - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

### **31 Special general meetings**

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

#### **Note**

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

### **32 Special general meeting held at request of members**

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting must—
  - (a) be in writing; and
  - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
  - (c) include the names and signatures of the members requesting the meeting; and
  - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
  - (a) must be held within 3 months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

### **33 Notice of general meetings**

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association—
  - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
  - (a) specify the date, time and place of the meeting; and
  - (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if a special resolution is to be proposed—
    - (i) state in full the proposed resolution; and
    - (ii) state the intention to propose the resolution as a special resolution; and
  - (d) comply with rule 34(5).

- (3) This rule does not apply to a disciplinary appeal meeting.

**Note**

Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

### **34 Proxies**

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 must—
  - (a) state that the member may appoint another member as a proxy for the meeting; and
  - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

### **35 Use of technology**

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **36 Quorum at general meetings**

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
  - (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

**Note**

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

(b) in any other case—

- (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
  - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

### **37 Adjournment of general meeting**

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.

#### **Example**

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

### **38 Voting at general meeting**

- (1) On any question arising at a general meeting—
  - (a) subject to sub rule (3), each member who is entitled to vote has one vote; and
  - (b) members may vote personally or by proxy; and
  - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

### **39 Special resolutions**

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

#### **Note**

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;

- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

#### **40 Determining whether resolution carried**

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
  - (a) carried; or
  - (b) carried unanimously; or
  - (c) carried by a particular majority; or
  - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
  - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
  - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

#### **41 Minutes of general meeting**

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
  - (a) the names of the members attending the meeting; and
  - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
  - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
  - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
  - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

### **PART 5—COMMITTEE**

#### **Division 1—Powers of Committee**

#### **42 Role and powers**

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.

- (3) The Committee may—
  - (a) appoint and remove staff;
  - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

#### **43 Delegation**

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
  - (a) this power of delegation; or
  - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

### **Division 2—Composition of Committee and duties of members**

#### **44 Composition of Committee**

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) ordinary members (if any) elected under rule 53.

#### **45 General Duties**

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
  - (a) in good faith in the best interests of the Association; and
  - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
  - (a) their position; or
  - (b) information acquired by virtue of holding their position—so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

#### **Note**

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

#### **46 President and Vice-President**

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
  - (a) in the case of a general meeting—a member elected by the other members present; or
  - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

#### **47 Secretary**

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

##### **Example**

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) The Secretary must—
  - (a) maintain the register of members in accordance with rule 18; and
  - (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and
  - (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
  - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

#### **48 Treasurer**

- (1) The Treasurer must—
  - (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
  - (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
  - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
  - (d) ensure cheques are signed by at least 2 committee members.
- (2) The Treasurer must—
  - (a) ensure that the financial records of the Association are kept in accordance with the Act; and
  - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.



- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

### **Division 3—Election of Committee members and tenure of office**

#### **49 Who is eligible to be a Committee member**

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is 18 years or over; and
- (b) is entitled to vote at a general meeting.

#### **50 Positions to be declared vacant**

- (1) This rule applies to—
  - (a) the first annual general meeting of the Association after its incorporation; or
  - (b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.
- (2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

#### **51 Nominations**

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.
- (2) An eligible member of the Association may—
  - (a) nominate himself or herself; or
  - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

#### **52 Election of President etc.**

- (1) At the annual general meeting, separate elections must be held for each of the following positions—
  - (a) President;
  - (b) Vice-President;
  - (c) Secretary;
  - (d) Treasurer.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 54.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.

#### **53 Election of ordinary members**

- (1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.
- (2) A single election may be held to fill all of those positions.

- (3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

## **54 Ballot**

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
  - (a) each member present in person; and
  - (b) each proxy appointed by a member.

### **Example**

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
  - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
  - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—
  - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
  - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

### **Examples**

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

## **55 Term of office**

- (1) Subject to subrule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.

- (3) A general meeting of the Association may—
  - (a) by special resolution remove a committee member from office; and
  - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

## **56 Vacation of office**

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
  - (a) ceases to be a member of the Association; or
  - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
  - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

### **Note**

A Committee member may not hold the office of secretary if they do not reside in Australia.

## **57 Filling casual vacancies**

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—
  - (a) has become vacant under rule 56; or
  - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

## **Division 4—Meetings of Committee**

## **58 Meetings of Committee**

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

## **59 Notice of meetings**

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

## **60 Urgent meetings**

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

## **61 Procedure and order of business**

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

## **62 Use of technology**

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

## **63 Quorum**

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
  - (a) in the case of a special meeting—the meeting lapses;
  - (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

## **64 Voting**

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.

- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

## **65 Conflict of interest**

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
  - (a) must not be present while the matter is being considered at the meeting; and
  - (b) must not vote on the matter.

### **Note**

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This rule does not apply to a material personal interest—
  - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
  - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

## **66 Minutes of meeting**

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote;
  - (d) any material personal interest disclosed under rule 65.

## **67 Leave of absence**

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

## **PART 6—FINANCIAL MATTERS**

## **68 Source of funds**

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

## **69 Management of funds**

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

## **70 Financial records**

- (1) The Association must keep financial records that—
  - (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
  - (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by the Committee.

## **71 Financial statements**

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting subrule (1), those requirements include—
  - (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by the Committee;
  - (d) the submission of the financial statements to the annual general meeting of the Association;
  - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

## **PART 7—GENERAL MATTERS**

## **72 Common seal**

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—

- (a) the name of the Association must appear in legible characters on the common seal;
- (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
- (c) the common seal must be kept in the custody of the Secretary.

### **73 Registered address**

The registered address of the Association is—

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address— the postal address of the Secretary.

### **74 Notice requirements**

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
  - (a) by handing the notice to the member personally; or
  - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
  - (c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Association or the Committee may be given—
  - (a) by handing the notice to a member of the Committee; or
  - (b) by sending the notice by post to the registered address; or
  - (c) by leaving the notice at the registered address; or
  - (d) if the Committee determines that it is appropriate in the circumstances—
    - (i) by email to the email address of the Association or the Secretary; or
    - (ii) by facsimile transmission to the facsimile number of the Association.

### **75 Custody and inspection of books and records**

- (1) Members may on request inspect free of charge—
  - (a) the register of members;
  - (b) the minutes of general meetings;
  - (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

#### **Note**

See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

- (4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—
- relevant documents*** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—
- (a) its membership records;
  - (b) its financial statements;
  - (c) its financial records;
  - (d) records and documents relating to transactions, dealings, business or property of the Association.

## **76 Winding up and cancellation**

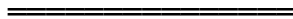
- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

## **77 Alteration of Rules**

These Rules may only be altered by special resolution of a general meeting of the Association.

### **Note**

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.



The original constitution of the Mildura Speedway Drivers Club was updated and amended at a Special General Meeting held on 12.07.1977;

Again at Special General Meetings on 21.02.1984; 1.05.1984; 23.05.1990

And at Annual General Meetings held on 4.07.1990; 8.07.1991; and 6.07.1994

And at a Special General Meeting held on 22.03.1995;

At a Special Meeting held on 17.12.2004;

And at a Special Meeting held on 2.03.2005.





# MSDC BY-LAWS

MILDURA SPEEDWAY DRIVERS' CLUB INC. #A0001310C

## Vision Statement

To allow and encourage more competitors to participate in the sport of speedway.

## Mission Statement

Mildura Speedway Drivers' Club Inc. strives to promote speedway driving within the local and broader community, with a strong focus on a club environment. This will be done via hosting speedway events and:

1. Establish and maintain a speedway track for the purpose of conducting race meetings, and to build or erect thereon, clubrooms, other sheds or buildings for the benefit or purpose of the Club.
2. Promote friendship, sportsmanship, safety, respect for all and courtesy, socially and in competition between club members.
3. Grow the club base, giving club members a sense of belonging.
4. Junior Development is a priority.

## BY-LAWS

By adopting and developing by laws and policies, it gives our organisation the framework to guide the day to day action on the job. The benefits of having these are:

- So people working in our organisation can have a framework for action that helps them get on with the job they need to do
- So people in the organisation don't have to keep on discussing and re-discussing the same issues every time they arise – one thought out decision can be applied to many similar cases – efficiency.
- So legal and other requirements can be met
- A tool in quality improvement
- To comply with accreditation standards.

## DEFINITIONS

*The Club* – Mildura Speedway Drivers' Club Inc.

*Venue/Track* – Timmis Speedway, Deakin Ave Mildura, VIC

*MSDC* – Mildura Speedway Drivers Club Inc.

*Member* – Fully paid up member of the Mildura Speedway Drivers' Club Inc. or honorary member.

*Guest* – Persons who are competing, crewing or assisting at the Venue during a Club promoted event

*Hot Zone* – Any area where a competitive vehicle may have an engine running during competition times. This includes the race track, dummy grid, off grid and engine start area.

*Pit Area* – Includes all areas as fenced and marked, and may include areas designated as a "Hot Zone"

## **SECTION 1. General Requirements**

- 1.1 These By-laws apply to all Club Members, and to all those competing, crewing, or assisting at Timmis Speedway in a promoted event or club activity.
- 1.2 The Club Colours shall be Yellow and Green.
- 1.3 **Business Activities.** No member or guest shall carry on his or her profession or business in the club or at the venue, without the express permission of the Committee, or appoint the use of the Club venue by advertisement or otherwise as a business address or facility.
- 1.4 **Removal of Club Property.** No member or guest shall take away from the Club any of its property other than as authorised by the Club President.
- 1.5 **Property.** Members or guests shall be required to pay for any of the Club's property they destroy or damage. The cost of replacing or repairing such loss or damage shall be determined by the Committee, whose decision shall be final. This also applies to any on lease or loan, or otherwise being used at the venue but not expressly owned by the Club.
- 1.6 **Dogs.** Dogs are not allowed in any areas of the Venue. Assistance dogs are excluded from this by-law.
- 1.7 **Notices.** No notices or advertisements may be posted on the Clubhouse notice boards or elsewhere in the Club except by or with authority of the Club President.
- 1.8 **Dress Requirements.** Members & Guests shall meet the minimum dress requirements as noted in the Speedway Racing Rules & Regulations during competition times. All other times, Members & Guests shall be dressed neatly and appropriately.
- 1.9 **Juveniles in Bar Areas.** Juveniles are allowed in Bar areas only when accompanied by and under the control of a parent or guardian.
- 1.10 **Smoking.** Smoking is not permitted within the enclosed areas of any Venue buildings, and in the pit areas during competition times.
- 1.11 **Respect:** Members and guests shall treat each other with respect at all times when performing any act that relates or refers to the Mildura Speedway Drivers' Club, its venue or its members.
- 1.12 **Working Bees:** All driver members who reside within a 200km radius of the venue (or in the case of a junior, their guardian) are expected to attend a minimum of 4 working bees per racing season.

## **SECTION 2. Competition**

- 2.1 **Pit Areas.** All pit areas are to be kept neat and tidy, and thoroughly cleaned after each event. All mud is to be disposed of in a suitable manner to allow it to be returned to the track.

- 2.2 **Pit Crew.** Each driver is responsible for their Pit Crew. This includes behaviour, dress standard, ensuring they are properly insured and their safety.
- 2.3 **Volunteers.** All officials and event helpers are Volunteers, who are doing their best to ensure that members and guests have as pleasant experience as possible. They are to be treated with respect and not abused in anyway. Members and guests are reminded to use the appropriate channels if they have a grievance, as the Mildura Speedway Drivers' Club has zero tolerance for any person abusing a volunteer.
- 2.4 **Refusal of Entry.** The Mildura Speedway Drivers' Club, via the Race Secretary, reserves the right to not accept nomination from any competitor for an event at any time, with no explanation. Further, the Mildura Speedway Drivers' Club reserves the right to refuse entry to the complex of any person at any time, with no explanation.
- 2.5 **Conditions of Entry.** The Committee reserve the right to outline specific conditions of entry that must be adhered to at a times. These conditions of entry may change from time to time, but will displayed in a visible place prior to entry.
- 2.6 **Speedway Australia.** The Mildura Speedway Drivers' Cub, their members and their guests will at all times adhere to all policies, rules and regulations as published by Speedway Australia first and foremost, unless a written dispensation has been obtained.
- 2.7 **Drugs & Alcohol.** Members, guests and all volunteers must be prepared to pass a drug and alcohol test at any time during competition, as per the Speedway Australia Drug & Alcohol Policy. If at any time a member, guest may suspect they are unable to pass such a test, they should withdraw from the "Hot Zone" immediately.
- 2.8 **Junior Competitors-** Any person under the age of eighteen (18) years desirous of competing in The Club's track events must obtain the written consent of their parent or guardian and such consent is to be submitted on The Club's nomination form. A parent or guardian must remain on the premises at all times when the Junior Competitor is participating in any event at the Track.
- 2.9 **Trophies and Prizes-**
- (a) The Club shall provide trophies for the top drivers of each section, up to third placing, for each season. Drivers of each section shall be awarded points in each race meeting held by The Club where each driver has an equal chance of winning, including heats and finals, but excluding mechanics, relay races, lap dashes and teams races. On feature nights and title events, points will be awarded at the General Committees discretion. Points shall be awarded for all classes as per the S.S.A system (section 4. Of Speedway Australia Racing Rules and Regulations) which is as follows: 36, 28, 23, 17, 13, 10, 8, 6, 5, 4, 3, 2, 1.
- (b) In the event of equal first, second or third annual aggregate point winners, equal trophies, inscribed with equal position shall be presented to drivers concerned.
- (c) Sportsman and encouragement award trophies shall be awarded to drivers who gain the highest points over the season. Points are to be awarded on each race night and in each section as registered by the chief steward or assistant steward. One point shall be awarded to one driver only, in each section, per speedway meeting.

## **SECTION 3. Operational**

### **3.1 Membership:**

- (a) Ordinary Members – Those who have paid the prescribed fee of \$60 and whose applications have not been rejected. Membership Entitlements include:
1. \$5 discount on gate entry (general admission and pit gate)
  2. 10% discount on Timmis Speedway Merchandise
  3. Drivers to be eligible for club awards including aggregate points at end of season presentation
  4. Member number included in all members draws
  5. Voting rights at General Meetings and AGM
  6. The option to obtain a (driver/mechanic) licence through Speedway Australia
  7. The option to register your race car through Speedway Sedans Australia
- (b) Junior Members – Those members under the age of sixteen (16) who have paid the prescribed fee \$60 and whose applications have not been rejected. Junior members do not have the right to vote or nominate for committee positions. Membership entitlements include:
1. \$5 discount on gate entry (general admission and pit gate)
  2. 10% discount on Timmis Speedway Merchandise
  3. Drivers to be eligible for club awards including aggregate points at end of season presentation
  4. Member number included in all members draws
  5. Voting rights at General Meetings and AGM
  6. The option to obtain a (driver/mechanic) licence through Speedway Australia
  7. The option to register your race car through Speedway Sedans Australia
- (c) Social Members – Those who have paid the prescribed fee of \$30 and whose applications have not been rejected. Membership Entitlements include:
1. \$5 discount on general admission only
  2. 10% discount on Timmis Speedway merchandise
  3. Member number included in members draw on race nights only.
  4. Social membership does not allow voting rights or provisions for obtaining Speedway Australia licences, or any discount on pit admission.
- (d) Family Membership – A family unit consisting of a couple and their children aged between 10 and 16 years. The members aged over 16 years have the same membership entitlements as per the ordinary member (a), the children aged between 10 and 16 years will have the membership benefits as per Social Members (c) above.
- (e) Honorary Members – Any person who is a member of any recognised speedway club who assists the committee in conducting events held at The Club's track may apply for honorary membership, and any such application may be approved by any member of the committee, The period of such honorary membership shall be for the date of that meeting.
- (f) Life Members – On the recommendation in writing of a current member, any current member of The Club for a period of at least ten (10) years, and who in the opinion of the general committee has rendered meritorious service to The Club

may be elected as a Life Member by a majority of members present at any committee meeting, and upon such election the members shall not be required to pay any further annual subscriptions. A Life member will retain all rights as per an ordinary member. A certificate shall be presented to the elected life member at the following presentation night.

- 3.2 **Membership Nomination-** Every candidate for membership of The Club as an ordinary, Junior or Social Member shall be proposed and seconded by any two (2) ordinary members of The Club. Every proposal shall be made in writing to the Treasurer of The Club, on The Club's nomination form, and shall set forth the candidates full name, postal and residential address, and telephone number, and shall be signed by the candidate and his proposer and seconder. Every candidate shall on nomination pay to the treasurer the entrance fee and subscription and until such payment, such nomination shall not be valid or considered by the committee. Should the committee reject the nomination the entrance fee and subscription shall be repaid to the candidate in full.

- 3.3 **Acquiescence-** The payment of entrance fees and subscription implies and will be considered to imply a member's acquiescence in all rules, regulations and By-Laws of The Club.

3.4 **Committee's:**

- (a) The committee shall consist of eleven (11) members with power of co-option, including the President, Secretary and Treasurer.
- (b) The committee shall meet when called upon by the President and shall carry out such duties as are delegated to it by the general meeting of the members or by these Articles of Association. The Secretary shall call a meeting of the committee at any time if required by a majority of the committee members.

- (c) The composition of the committee shall be as follows:

Executive      President (1)  
                    Vice President (1)  
                    Secretary (1)  
                    Treasurer (1)  
                    Public Officer (1)

Total Executive      Five      (5)

General Committee      Six      (6)

Total Committee      Eleven (11)

- (d) Those entitled to attend committee meetings shall be:

\* The Executive

\* General Committee

All of whom shall have equal voting power.

3.5 **Good Sports Club – Liquor Licencing:**

The Club and all its members agree to abide by the Rules and Regulations of the Liquor Control Act 1987.

(a) The Club shall not make any payment of any amount to an officer or servant of The Club by way of commission or allowance from the receipts of The Club for the sale and disposal of liquor.

(b) A visitor to The Club must not be supplied with liquor in The Club premises unless in the company of a member of The Club or unless such supply

is in accordance with the terms of a limited license granted under the Liquor Control Act 1987.

(c) A person shall not:

- i) Be admitted as an honorary or temporary member of The Club or;
- ii) Be exempted from the obligation to pay the ordinary subscription for membership of The Club;  
Unless the person is of a class specified in these rules and the admission or exemption is in accordance with these rules.

(d) The Club shall provide a register which shall be used for keeping a record of visitors to The club and shall ensure that every member that introduces a visitor to The Club premises enters or causes to be entered in that register the name and address of the visitor and the name of the member introducing the visitor.

## ***SECTION 4. Altering By-Laws***

- 4.1 **Annual Review:** All By-Laws are to be reviewed at the first committee meeting following the AGM. At which time, the Executive Committee may make any alterations that they see fit for the following race season. Any alterations must be by majority.
- 4.2 All items within Section 4, apply to every Section, including Section 4.
- 4.3 **Alterations Mid-Season:** Alterations required during the race season may be made via a Special Resolution at any Committee Meeting, providing a minimum of 15 days' notice has been served to the committee members, and the vote is unanimous.
- 4.4 **General Member Request:** General Members may request an alteration to club By-Laws at any time. All requests MUST be in writing, and addressed to the Club Secretary. The Executive Committee MUST discuss the request at the next Committee Meeting, with the view to formulating a Special Resolution to be voted at the following Committee Meeting. Following the second meeting, a reply MUST be sent to the General Member making the request as to the outcome. No reasons for the outcome need to be given.
- 4.5 **Guest Request:** No guest may make a request for an alteration. A member MUST be a current ordinary member of the Mildura Speedway Drivers' Club in order to request an alteration to these By-Laws.
- 4.6 **Alteration Notification:** All current members MUST be advised of any alterations to these By-Laws within 15 days of the alteration, by whatever means.

## ***SECTION 5. Penalties***

### **5.1 Penalties for Non-Payment of Accounts –**

When a Member has failed to pay any amount owing to the club within the period noted on the bill, a penalty will be debited to the member's account. The penalty will be applied as follows:

- a) Any amount outstanding for more than 60 days but less than 90 days: 1.5% per month

- b) Any amount outstanding for more than 90 days: 3.0% per month
- c) If a member makes an acceptable arrangement with the Club President or Treasurer to pay off his/her outstanding account over a period, and fulfils the arrangement, the penalty for the remaining debt over 60 days may be reduced to 1.0% per month

Second Offence: If a member or guest refuses to meet the requirements of the Membership Policy in subsequent years, the member or guest will incur a 5 year ban from competing in Mildura Speedway Drivers Club promoted events.

## **5.2 Penalties for breaching any of the Clubs Codes of Conduct or Social Media Policies:**

All breaches will be referred to Speedway Australia, who may impose penalties in addition to those imposed by the club. The club reserves the right to obtain legal advice on these matters at any time.

Club imposed penalties will be as per 5.3 below.

## **5.3 Penalties for breaching any other code, policy, rules or regulations of the club** will be discussed at the next committee meeting. For a serious breach, an emergency committee meeting may be called:

- a) If applicable, the member or guest may be asked to leave the venue immediately
- b) First Offence: Discussion with the Club President or His/her representative
- c) Second Offence: Letter explaining the breach, the seriousness of the breach, and details of the penalties for further breaches
- d) Third Offence (for the same breach or an alternate): Member or guest will be served a notice of suspended penalty (penalty as per 5.3.e below)
- e) Fourth Offence: Member or guest will be invited to attend a Tribunal Hearing whereby they must show cause as to why any or all of the following penalties shall not apply:
  - I) Suspension of club membership for a minimum period of 6 months
  - II) Monetary penalty of a minimum of \$100, Maximum \$1000 depending on severity
  - III) Cancellation of club membership for the season
- f) Further or serious breaches:
  - I) Minimum \$1000 monetary penalty
  - II) Life Ban of Membership and/or competing at Timmis Speedway.

## **5.4 Penalties for Office Bearers or those in positions of authority:**

Any Office bearer or person who is found to have breached any of the clubs policies, procedures, rules or regulations, to the detriment of the club, will along with the policies imposed as per item 5.3 above, also be removed from office for the remainder of the membership season. Further breaches will incur a Life Ban from any duties.

## **5.5 Penalties for breaches of a Drug and Alcohol Policy.**

- a) Any member or guest who breaches the Speedway Australia Drug and Alcohol Policy during competition times will be required to exit the area immediately. Further penalties may apply as per the Speedway Australia Racing Rules and Regulations. Club imposed penalties as per 5.3 above may also apply.