



# CONSTITUTION (2011)

[www.v8dirtmodifieds.com.au](http://www.v8dirtmodifieds.com.au)

## **Mission Statement**

**To promote Dirt Modified racing through the development and implementation of uniform national policy.**

## **Objects**

**The objects for which the Association is established are:-**

- A. To develop and implement uniform national policies on all matters related to V8 Dirt Modified racing in Australia.**
- B. To unify, strengthen and expand V8 Dirt Modified racing in Australia.**
- C. To promote dialogue with and between V8 Dirt Modified Associations of other nations.**
- D. To administer rules and regulations relating to V8 Dirt Modified racing and to take such action as may be necessary to achieve uniformity in interpretation of such rules and regulations.**
- E. To gain and maintain affiliation with the National Association of Speedway Racing and abide by its constitution, rules and regulations.**
- F. To print, publish and distribute periodicals, newsletters, leaflets etc. that the Associations may think desirable to promote and achieve its objects.**
- G. To promote goodwill, social fellowship and cooperation amongst members.**

## **Contents**

### **Part 1 – Preliminary**

1. Definitions

### **Part 2 – Membership**

2. Membership qualifications
3. Nomination for membership
4. Cessation of membership
5. Membership entitlements not transferable
6. Resignation of membership
7. Register of members
8. Fees and subscriptions
9. Members' liabilities
10. Resolution of internal disputes
11. Disciplining of members
12. Right of appeal of disciplined member

### **Part 3 – The committee**

13. Powers of the committee
14. Constitution and membership
15. Election of members
16. Secretary
17. Treasurer
18. Casual vacancies
19. Removal of member
20. Meetings and quorum
21. Delegation by committee to sub-committee
22. Voting and decisions

### **Part 4 – General meetings**

23. Annual general meetings – holding of
24. Annual general meetings – calling of and business
25. Special general meetings – calling of
26. Notice
27. Procedure
28. Presiding member
29. Adjournment
30. Making of decisions
31. Special resolution
32. Voting
33. Appointment of proxies

34. Postal votes

**Part 5 – Miscellaneous**

35. Insurance

36. Funds – source

37. Funds – management

38. Alteration of objects and rules

39. Common seal

40. Custody of books

41. Inspection of books

42. Service of notices

**Appendices**

Application for membership of association

Form of appointment of proxy

## Part 1 – Preliminary

### 1. Definitions

(1) In these rules:

- **Director General** means the **D.G.** of the Office of Fair Trading
- ordinary member means a member of the committee who is not an office-bearer of the association, as referred to in rule 14(2)
- secretary means:
  - (a) the person holding office under these rules as secretary of the association, or
  - (b) if no such person holds that office – the public officer of the association
- special general meeting means a general meeting of the association other than an annual general meeting
- the Act means the *Associations Incorporation Act 1984*
- the Regulation means the *Associations Incorporation Regulation 1999*.

(2) In these rules:

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

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

(4) State Associations means the following bodies:

- i. NSW Dirt Modified Association
- ii. QLD V8 Dirt Modified Association
- iii. Dirt Modified Association of WA
- iv. Victorian V8 Dirt Modified Association

## Part 2 – Membership

### 2. Membership qualifications

A person is qualified to be a member of the association if, but only if:

- (a) the person is a person referred to in section 15(1) (a), (b) or (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act, or

- (b) the person is a natural person:
  - (i) **who is a fully paid member of a state association.**
  - (ii) who has been nominated for membership of the association as provided by rule 3, and
  - (iii) who has been approved for membership of the association by the committee of the association.

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

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

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

- A person ceases to be a member of the association if the person:
- (a) dies, or
  - (b) resigns membership, or
  - (c) is expelled from the association.

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

- A right, privilege or obligation which a person has by reason of being a member of the association:
- (a) is not capable of being transferred or transmitted to another person, and
  - (b) terminates on cessation of the person's membership.

## **6. Resignation of membership**

(1) A member of the association is not entitled to resign that membership except in accordance with this rule.

(2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary written notice of at least 1 month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

(3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## **7. Register of members**

(1) The public officer of the association must establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.

(2) The register of members must be kept at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable hour.

(3) A member of the association may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

## **8. Fees and subscriptions**

(1) Each State Association shall pay to the Association an annual subscription of ten (10) dollars or, if some other amount is determined by the committee, that other amount. The annual subscription shall be due for payment on the first day of July each year.

(2) A member of the association must, on admission to membership, pay to the association a fee of \$1 or, if some other amount is determined by the committee, that other amount.

(3) In addition to any amount payable by the member under clause (1), a member of the association must pay to the association an annual membership fee of \$2 or, if some other amount is determined by the committee, that other amount:

- (a) except as provided by paragraph (b), before 1 July in each calendar year,
- or



- (b) if the member becomes a member on or after 1 July in any calendar year – on becoming a member and before 1 July in each succeeding calendar year.

### **9. Members' liabilities**

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

### **10. Resolution of internal disputes**

(1) Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act* 1983.

(2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

### **11. Disciplining of members**

(1) A complaint may be made to the committee by any person that a member of the association:

- (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association.

(2) On receiving such a complaint, the committee: (a) must cause notice of the complaint to be served on the member concerned, and (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and (c) must take into consideration any submissions made by the member in connection with the complaint.

(3) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

(4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 12.



- (5) The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under rule 12(5), whichever is the later.

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

(1) A member may appeal to the association in general meeting against a resolution of the committee under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a member under clause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.

(4) At a general meeting of the association convened under clause (3): (a) no business other than the question of the appeal is to be transacted, and (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

(5) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **Part 3 – The committee**

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

*The committee is to be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in a general meeting:*

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

#### **14. Constitution and membership**

1) Subject in the case of the first members of the committee to section 21( of the Act, the committee is to consist of:

- (a) The office-bearers of the association, and elected every 2 years at the annual general meeting of the Association
- (b) Four elected ordinary members (1 per state association) , each of whom is to be elected at the annual general meeting of the State Associations every 2<sup>nd</sup> alternate year to the office-bearers under rule 15.
- (c) There is to be only one (1) affiliated association per state. Sub-committees of the state associations are permissible.

(2) The office-bearers of the association are to be:

- (a) the president
- (b) the vice-president
- (c) the treasurer, and
- (d) the secretary
- (e) one elected ordinary member from each of the four state associations automatically becomes a committee member.

Comprising of:

- One elected ordinary member from New South Wales;
- One elected ordinary member from Queensland;
- One elected ordinary member from Victoria;
- One elected ordinary member from Western Australia.

(3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the 2nd annual general meeting following the date of the member's election, but is eligible for re-election.

(4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

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

(1) Nominations of candidates for election as office-bearers of the association:

- (a) must be made in writing, signed by two members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
- (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

(5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(6) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

## **16. Secretary**

(1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.

(2) It is the duty of the secretary to keep minutes of:

- (a) all appointments of office-bearers and members of the committee
- (b) the names of members of the committee present at a committee meeting or a general meeting, and
- (c) all proceedings at committee meetings and general meetings.

(3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

## **17. Treasurer**

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

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

## **18. Casual vacancies**

For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or

- (b) ceases to be a member of the association, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 19, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

### **19. Removal of member**

(1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

(2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified 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 the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

### **20. Meetings and quorum**

(1) The committee must meet at least **two** times in each period of 12 months at such place and time as the committee may determine.

(2) Additional meetings of the committee may be convened by the president or by any member of the committee.

(3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.

(4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.

(5) Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

(6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.

(7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

(8) At a meeting of the committee:

- (a) the president or, in the president's absence, the vice-president is to preside, or
- (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

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

(1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:

- (a) this power of delegation, and
- (b) a function which is a duty imposed on the committee by the Act or by any other law.

(2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this rule, the committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.

(6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A sub-committee may meet and adjourn, as it thinks proper.

## **22. Voting and decisions**

(1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.

(2) 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 but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) Subject to rule 20(5), the committee may act despite any vacancy on the committee.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

## **Part 4 – General meeting**

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

(1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.

(2) The association must hold its first annual general meeting:

- (a) within the period of 18 months after its incorporation under the Act, and
- (b) within the period of 6 months after the expiration of the first financial year of the association.

(3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commissioner under section 26(3) of the Act.

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

(1) The annual general meeting of the association is, subject to the Act and to rule 23, to be convened on such date and at such place and time as the committee thinks fit.

(2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,

- (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
- (c) to elect office-bearers of the association and ordinary members of the committee,
- (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.

(3) An annual general meeting must be specified as such in the notice convening it.

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

(1) The committee may, whenever it thinks fit, convene a special general meeting of the association.

(2) The committee must, on the requisition in writing of at least 5 percent of the total number of members, convene a special general meeting of the association.

(3) A requisition of members for a special general meeting:

- (a) must state the purpose or purposes of the meeting, and
- (b) must be signed by the members making the requisition, and
- (c) must be lodged with the secretary, and
- (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

(5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

## **26. Notice**

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each



member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 24(2).

(4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

## **27. Procedure**

(1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

(2) Five members present in person (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 within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

(a) if convened on the requisition of members, is to be dissolved, and

(b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least three) is to constitute a quorum.

## **28. Presiding member**

(1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.

(2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

## **29. Adjournment**

(1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **30. Making of decisions**

(1) A question arising at a general meeting of the association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(2) At a general meeting of the association, a poll may be demanded by the chairperson or by at least three members present in person or by proxy at the meeting.

(3) If a poll is demanded at a general meeting, the poll must be taken:

- (a) Immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
- (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

## **31. Special resolution**

A resolution of the association is a special resolution:

- (a) if it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person, postal voting or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

(b) where it is made to appear to the Commissioner that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Commissioner

### **32. Voting**

**(1) Voting on any question arising at a general meeting of the Association, a member shall have one vote only and must be a fully paid member of a state association on or prior to the 1<sup>st</sup> February preceding the AGM .**

(2) All votes must be given personally or by proxy. An elected ordinary member may hold a maximum of 5 proxy votes.

(3) In the case of an equality of votes on a question at a general meeting the chairperson of the meeting is entitled to exercise a second or casting vote.

(4) An elected ordinary member or a Director or a proxy is not entitled to vote at any general meeting of the Association unless all money due and payable by them, (or the Association they represent), **has been paid other than the amount of the annual subscription payable in respect of the then current year.**

(5) Elected ordinary members / Committee members have the right to vote on items put forward at general meetings as they see fit to obtain and achieve the objectives of the association.

**(6) A postal vote will be conducted for special resolutions only. Postal voting will be conducted as set out in rule 34 (1 – 10).**

### **33. Appointment of proxies**

(1) Whenever an elected ordinary member from a State or an Affiliated Association is absent from a general meeting, a Director will automatically be appointed proxy. The person so appointed must be: A Director holding office by virtue of Rule 14(a) or 14(b) and; from or representing the elected ordinary members' State Association.

**(2) Each member is to be entitled to appoint another member as 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.**

**(3) The notice appointing the proxy is to be in the form set out in appendix 2 to these rules.**

### **34. Conduct of postal ballots**

#### **(1) Ballots**

##### **(a) The committee must:**

- (i) cause the details of the proposal on which the ballot is to be held to be set out in a statement, and**
- (ii) fix the dates for:**
  - (a) the forwarding of ballots to members, and**
  - (b) the closing of the ballot, and**
- (iii) appoint a returning officer for the ballot.**
- (b) Every ballot must be conducted by the returning officer appointed by the committee.**

#### **(2) Returning officers**

- (a) A committee member of the association may not be appointed as a returning officer.**
- (b) The returning officer may be assisted in the performance of his or her duties by any person (who would be eligible to be a returning officer) appointed by the returning officer.**

#### **(3) Preparation of voting roll and ballot papers**

- (a) The returning officer must prepare a roll of the full names and addresses of the members of the association who are eligible to vote.**
- (b) A person whose name is on the roll is entitled to vote in the ballot, and no person is otherwise so entitled.**
- (c) The returning officer must cause ballot papers to be prepared:**
  - (i) in or to the effect of Form A in this Schedule, or**
  - (ii) in such other form as the committee determines.**
- (d) Each ballot paper must:**
  - (i) be initialled by the returning officer or an appointed assistant, or**
  - (ii) bear a mark that identifies it as a genuine ballot paper.**
- (e) The returning officer must, at least 14 days (or 21 days in the case of a special resolution) before the date fixed for the closing of the ballot, send by post or otherwise deliver to every member entitled to vote in the ballot one set of the following material:**
  - (i) one ballot paper,**
  - (ii) an envelope (in this Schedule referred to as *the outer envelope*) addressed to the returning officer and the reverse side of which is noted or printed with the name and address of the member,**
  - (iii) a small envelope (in this Schedule referred to as *the inner envelope*) in which the ballot paper is to be enclosed,**

- (iv) a copy of a statement prepared by the board setting out the terms of the resolution,
- (v) in the case of a special resolution—a copy of a statement to the effect that the resolution is intended to be passed as a special resolution.

**(4) Duplicate ballot papers**

- (a) The returning officer may send a duplicate ballot paper to any voter if the returning officer is satisfied:
  - (i) that the voter has not received a ballot paper, or
  - (ii) that the ballot paper received by the voter has been lost, spoilt or destroyed and that the voter has not already voted.
- (b) If a duplicate ballot paper is sent, the relevant outer envelope is to be marked with the word “Duplicate”.

**(5) Voting**

A member casts a vote in the ballot by:

- (a) marking his or her vote on the ballot paper according to the instructions on the ballot paper, and
- (b) sending the ballot paper, in the envelopes provided, to the returning officer.

**(6) Safe keeping of ballot papers**

- (a) The returning officer must provide a ballot box that must be secured immediately before the ballot papers are delivered to members in accordance with clause 3 (5) and must remain secured until the close of the ballot.
- (b) The returning officer must place the outer envelopes in the ballot box not later than the time and date fixed on the ballot paper for the closing of the ballot.

**(7) Counting of the votes**

- (a) As soon as practicable after the date fixed for the closing of the ballot, the returning officer **must**, in the presence of such scrutineers as may be appointed by the committee, open the ballot box and deal with the contents in accordance with subclause (3).
- (b) **The returning officer must:**
  - (i) examine the outer envelopes, and
  - (ii) if a duplicate outer envelope has been issued and the original outer envelope is received, reject the original envelope and mark it “rejected”, and
  - (iii) mark the voter’s name on the roll by drawing a line through the name,and
  - (iv) remove the inner envelopes from the outer envelopes, and
  - (v) when all the inner envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the ballot papers from them.
- (c) The ballot papers must be scrutinised by the returning officer who must reject as informal any ballot paper that:

- (i) is not duly initialled by the returning officer or appointed assistant or does not bear a mark that identifies it as a genuine ballot paper, or
- (ii) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer, or
- (iii) has any mark or writing not authorised by this Schedule that, in the opinion of the returning officer, will enable the voter to be identified, or
- (iv) has not been marked as prescribed on the ballot paper itself.

**(8) Statement by returning officer**

**(a) The returning officer must count all votes cast and make out and sign a statement of:**

- (i) the number of formal votes cast in favour of the proposal, and**
- (ii) the number of formal votes cast against the proposal, and**
- (iii) the number of informal votes cast, and**
- (iv) the number of envelopes marked "rejected", and**
- (v) the proportion of the formal votes cast in favour of the proposal.**

**(b) On the declaration of the returning officer of the result of the postal ballot, the committee must cause an entry to be made in the minute book showing the particulars referred to in subclause (1) (a)–(e).**

**(c) The returning officer must forward a copy of the statement to the chairperson of the committee who must announce the result of the ballot at the next general meeting.**

**(9) Notification of result of ballot for special resolutions**

In the case of a special resolution, the association must cause the result of the ballot to be notified in writing to its members as soon as practicable after the ballot.

**(10) Retention of ballot papers**

**(a) The returning officer must retain:**

- (i) all ballot papers (whether formal or otherwise), and**
- (ii) all rejected outer envelopes, and**
- (iii) all rolls,**

**used in connection with the conduct of the postal ballot, locked in the ballot box, in accordance with this clause.**

**(b) The returning officer must retain those items for a period of not less than 8 weeks after the date fixed for the closing of the ballot unless directed in writing by the committee to retain those items for a longer period.**

## Form A Postal ballot paper

Associations Incorporation Regulation 2010 (Schedule 3, clause 3 (3))

### Note:

Before completing this ballot paper, please read the “How to vote” section below.

Name of Association: .....

Ballot of members to determine the following proposal:

.....  
.....  
.....

Do you support the above proposal? (Please write YES or NO in the box)

The ballot will close at [time] on [date].

### How to vote

- 1 Read these directions and the ballot paper carefully.
- 2 If:
  - (a) you are in favour of the proposal—write the word “YES” in the box provided above, or
  - (b) you are not in favour of the proposal—write the word “NO” in the box provided above.
- 3 After marking the ballot paper, fold it and place it in the inner envelope provided and seal the envelope. Then place the inner envelope in the envelope addressed to the returning officer.
- 4 Forward this envelope either by post or personal delivery so as to reach the returning officer not later than the time and date set out above.
- 5 Unless the ballot paper is marked as indicated in 3 above and the details referred to in 2 above are completed in full, your vote may be rejected as informal.

## Part 5 – Miscellaneous

### 35. Insurance

The association may effect and maintain insurance.

### 36. Funds – source

(1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.



(2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.

(3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **37. Funds – management**

(1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two members of the committee or employees of the association, being members or employees authorised to do so by the committee.

**(3) The Associations Financial Year is from 1 May to 30 April and audited books are to be presented at the AGM.**

### **38. Alteration of objects and rules**

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association. Specification items that can only be changed by special resolution are:

- (a) Engine specifications
- (b) Control Tyre rule
- (a) Silhouette shape of cars

### **39. Common seal**

(1) The common seal of the association must be kept in the custody of the public officer.

(2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or of one member of the committee and of the public officer or secretary.

### **40. Custody of books**

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

**41. Inspection of books**

The records, books and other documents of the association must be open to inspection, free of charge, by a member of the association at any reasonable hour

**42. Service of notices**

(1) For the purpose of these rules, a notice may be served on or given to a person:

- (a) by delivering it to the person personally, or
- (b) by sending it by pre-paid post to the address of the person, or
- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice. Model rules for incorporated associations

## **Appendix 1**

(Rule 3 (1))

### APPLICATION FOR MEMBERSHIP OF ASSOCIATION

.....Incorporated  
(incorporated under the *Associations Incorporation Act 1984*)

I.....  
(full name of applicant)

of .....  
(address)

.....  
(occupation)

hereby apply to become a member of the above named incorporated 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,  
(full name)  
nominate the applicant, who is personally known to me, for membership of the association.

I,.....  
Signature of proposer

.....  
Date

Model rules for incorporated associations

## **Appendix 2**

(Rule 33 (2))

### FORM OF APPOINTMENT OF PROXY

I, .....  
(full name)

of .....  
(address)  
being a member of .....  
(name of incorporated association)

hereby appoint .....  
(full name of proxy)

of .....  
(address)  
being a member of that incorporated association, as my proxy to vote for me on my  
behalf at the general meeting of the association (annual general meeting or special  
general meeting, as the case may be) to be held on the.....day of .....  
(month and year) and at any adjournment of that meeting.

\* My proxy is authorised to vote in favour of/against (delete as appropriate) the  
resolution (insert details).

\* to be inserted if desired.

.....  
Signature of member appointing proxy

.....  
Date

NOTE: A proxy vote may not be given to a person who is not a member of the  
association.