

# **Perth Radio Electric Car Club (Inc) Constitution**

(1).. CLUB TITLE

Perth Radio Electric Car Club (Inc).

(2).. INTERPRETATION

Throughout this Constitution, the words “Club” and “Association” shall mean the Perth Radio Electric Car Club (Inc).

The word “rule” shall mean a constitutional rule unless otherwise stated.

The “ACT” refers to the Associations Incorporation Act (1987)

(3).. OBJECTIVES OF THE CLUB

(A).. To promote and develop Electric On-Road Carpet Racing in the form of Radio Controlled Model Motorsport for all ages in “The Spirit of Fairness”.

(4).. CLUB MOTTO

Our Club Motto shall be “RACING IN THE SPIRIT OF FAIRNESS”

(5).. MEMBERSHIP

(A).. Membership is open to all and will be granted in accordance with the following classes:

**LIFE MEMBERSHIP**

(B).. Honorary Life membership of the Club may be granted at the Annual General meeting to persons whose services, to the Club in particular, or in pursuit of their hobby in general, are deemed to be worthy of such honour.

(C).. To be nominated by the Executive Committee and accepted by a majority vote of Committee Members.

(D).. No annual Membership fees payable.

(E).. Full voting rights for Active Life Members.

**FULL MEMBERSHIP**

(F).. Available to all Drivers and non Drivers.

(G).. Membership fees payable.

(H).. Full voting rights for Juniors and Adults.

(I).. Membership will be granted upon acceptance of the completed and signed Membership Application form with full payment for the current year.

(6).. MEMBERSHIP FEES

(A).. The annual membership fee for Full, Junior and Family membership shall be such as from time to time determined by the committee.

**SUBSCRIPTIONS**

(B).. The Club membership year shall be from 1<sup>st</sup> January to 31<sup>st</sup> December in any calendar year.

(C).. Members joining between 1<sup>st</sup> January and 30<sup>th</sup> June will pay an amount of 100% of the current annual membership fee.

(D).. Members joining between 1<sup>st</sup> July and 30<sup>th</sup> October will pay a pro-rata amount as determined by the Committee (approx 60% of the current annual membership fee).

(E).. Members joining from 1<sup>st</sup> November will pay 100% of the current membership fee and their membership will be valid until the end of the following membership year.

(F).. The subscriptions payable shall be calculated and displayed as part of the Membership Registration form for the current year.

(7).. CANCELLATION OF MEMBERSHIP

(A).. The Committee shall have the power to revoke Membership for any of the following reasons, including, but not limiting to:-

(i).. Who has been guilty of conduct likely to bring discredit to the good name of the Club.

(ii).. Who acts in an unseemly manner at any meeting or function of the Club.

(B).. The person whose membership has been revoked shall cease to be a member of the Club and shall not be eligible to regain membership without the express permission of the Committee.

(C).. All Membership Fee's are non refundable.

(8).. ELIGIBILITY TO PARTICIPATE

Eligibility to participate in any event run by the Club will be open to any interested person or persons and not restricted to members only.

(9).. COMMITTEE MEMBERS

(A).. The Committee shall comprise of the following:

President

Vice President

Secretary

Treasurer

Race Director

Five to Ten committee members (who will hold positions as such as Time Keeper, Track & Maintenance Officer, Marshalling Officer, Promotions Officer and General Committee).

(B).. Committee Members shall be honorary, and shall be proposed, seconded, and elected at each Annual General meeting of the Club, and shall hold office until the following Annual General Meeting. They shall be eligible for re-election from year to year but cannot be elected to the same position for more than FIVE consecutive Years.

(C).. The Position of Secretary and Treasurer may be combined and undertaken by one committee member if necessary.

(D).. All Committee Members will have full voting rights in all matters at Committee meetings.

(E).. All Committee Members must be a member of the club.

(F).. Any committee member missing three consecutive committee meetings of the Club without valid reason shall have their seat declared vacant.

(G).. From the Committee Members of the Club, a Race Sub Committee with a minimum of 3 members shall be formed and headed by the Race Director. This Sub Committee will be elected by the Committee.

(10).. EXECUTIVE COMMITTEE

(A).. Management of the affairs of the club shall be vested in the Executive Committee, which shall consist of:-

President  
Vice President  
Secretary  
Treasurer  
Race Director

(B).. Executive Committee Members shall be honorary, and shall be proposed, seconded, and elected at each Annual General meeting of the Club, and shall hold office until the following Annual General Meeting. They shall be eligible for re-election from year to year but cannot be elected to the same position for more than FIVE consecutive Years..

(C).. Executive Committee members must have attained 12 months membership to be eligible for election.

(D).. The President must have attained 12 months service as a Committee Member to be eligible for election.

(11).. DUTIES OF THE PRESIDENT

The President shall preside at all Committee and General Meetings and see that the business is conducted in a proper manner. The President may call either a Committee meeting or General Meeting in all cases of emergency. The President shall ensure that the well being, Objectives of the Club and Club Motto are maintained.

(12).. DUTIES OF THE VICE PRESIDENT

The Vice President shall perform the Presidents duties in the absence of the President.

(13).. DUTIES OF THE SECRETARY

The Secretary shall attend all meetings and take minutes of same and shall have custody of all documents, records, books and securities belonging to it, shall keep a record of all inward and outward correspondence. The Secretary shall carry out such duties as required by this constitution, and shall also attend to such other matters as the Club may, from time to time, direct.

(14).. DUTIES OF THE TREASURER

The Treasurer shall maintain adequate books of accounts, receive all monies on behalf of the Club and give receipts therefore on official receipt forms. The Treasurer shall put such monies received into such Bank Account or Accounts as the Club may, from time to time decide. The Treasurer shall submit an Annual Financial Report, Balance Sheet, and other such information as the Club may require at each Annual General meeting, and at any other time when so directed by the President. The Treasurer shall present Financial Reports at each Committee Meeting.

(15).. DUTIES OF THE RACE DIRECTOR

The Race Director shall be responsible for all matters relating to actual racing at any race meeting held by the Club

(16).. The Club's financial year shall be from 1<sup>st</sup> April to 31<sup>st</sup> March.

(17).. AUDITOR

An Auditor shall be elected at any General meeting if required by resolution. In the event of an unsuccessful nomination, an Auditor shall be appointed by 75% majority at a Committee Meeting. The Audit shall be carried out in accordance with “The Associations Incorporation Act (1987)”.

(18).. POWERS OF THE ASSOCIATION

- (A).. The Executive Committee, subject to this Constitution, may exercise all powers of the Club as are not, by this Constitution, required to be exercised by the Club in a General meeting and, without prejudice to the generality of the foregoing, shall have the following powers:
- (B).. To control the finances, property, funds and interests of the Club.
- (C).. To control all exhibitions, displays, events and competitions arranged by the Club.
- (D).. To open and operate any bank account provided that the Treasurer and Two other Executive Committee Members are registered as signatories of Cheque accounts and Electronic accounts.
- (E).. To make by-laws for the conduct of meetings, exhibitions, displays, events and competitions of the Club, and may alter, rescind and add to any by-laws. Such by-laws shall be binding on members as if they were rules of the Club unless and until rescinded by the Committee, or at the direction of a General Meeting.
- (F).. To declare vacant, the seat of a Committee member who, without satisfactory reason absents him/herself from three consecutive meetings of the Committee.

(19).. RULES OF THE ASSOCIATION

- (A).. The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows:-
  - (i).. Subject to sub-rule (A) (iv) and (A) (v), the Association may alter its rules by special resolution but not otherwise;
  - (ii).. Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the constitutional rules of the Association as so altered conform to the requirements of this Act;
  - (iii).. An alteration of the constitutional rules of the Association does not take effect until sub-rule (A) (ii) is complied with;
  - (iv).. An alteration of the rules of the Association having effect to change the name of the association does not take effect until sub-rules (A) (i) to (A) (iii) are complied with and the approval of the Commissioner is given to the change of name;
  - (v).. An Alteration of the rules of the Association having effect to alter the objects or purposes of the Association does not take effect until sub-rules (A) (i) to (A) (iii) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.
- (B).. Rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

(20).. TRUSTEES

- (A).. Trustees of the club shall be the President and Secretary or Treasurer for the ensuing year.
- (B).. The Club must have a common seal on which its corporate name appears in legible characters. All deeds, instruments or documents to which the Common Seal of the Club is to be affixed, shall be signed by both such Trustees and the Common Seal of the Club shall be affixed in the presence of such signatories.  
It shall not be affixed to any deed, instrument or document except, and until, the Executive Committee, by resolution, authorises such action.
- (C).. The President and Secretary of the club shall be responsible for the safety of the Common Seal, and when its use is not required, shall be securely stored in a “safe” or similar or be deposited with the Club’s bankers.

(21).. MEETING

- (A).. The Annual General Meeting of the club shall be held every year between May and July. Members shall be given at least seven days notice of such meeting.
- (B).. The Secretary shall call a special meeting of the Club whenever required to do so by the committee or upon receipt by the Secretary of a written request for a special General Meeting, signed by at least twelve members. Such request must state the matter for consideration at such Special General Meeting. Members shall be given at least seven days notice of a Special General meeting and shall, when advised of such meeting, be apprised of the business to be transacted thereat. No business except that of which notice shall have been so given, shall be transacted at any Special General Meeting.
- (C).. The Committee shall meet at least four to five times a year and at such times as it shall deem necessary and further, shall meet whenever required to do so by the President.
- (D).. Any Club member may attend a Committee Meeting provided prior notice of attendance is received by the Secretary.
- (E).. Meetings and notice of motions will be announced at the Drivers Meeting the week prior to the meeting being held.

(22).. MINUTES OF MEETINGS OF ASSOCIATION

- (A).. The Secretary must cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in electronic form a printed copy kept for that purpose.
- (B).. The Chairperson must ensure that the minutes taken of a general meeting of Committee meeting under sub-rule (A) are checked and signed as correct by the Chairperson of the general meeting or Committee meeting to which those minutes relate or by the Chairperson of the next succeeding general meeting or Committee meeting, as the case requires.
- (C).. When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that –
  - (i).. The general meeting or Committee meeting to which they relate (in this sub-rule called “the meeting”) was duly convened and held;
  - (ii).. All proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
  - (iii).. All appointments or elections purporting to have been made at the meeting have been validly made.

(23).. ANNUAL REPORTS

At each Annual General Meeting, the President shall present a written report on the affairs of the Club for the preceding twelve months. The Treasurer shall make an Annual Financial Statement offering all relevant documents, including a balance sheet, for inspection at the meeting.

(24).. QUORUMS

- (A).. A quorum for Committee meetings shall comprise of at least three members of the Executive Committee and 4 other committee members.
- (B).. A quorum for a General Meeting shall comprise of at least three members of the Executive Committee and eight other members.

(25).. VACANCIES

When an extraordinary vacancy occurs in the committee or the post of Auditor, the Committee Meeting next following may proceed without further notice to select an eligible member for the vacancy, but only for the remainder of the current term, and such selection may be made by resolution or ballot.

If the office of President shall become vacant, the Secretary shall forthwith call a Special General Meeting for the purpose of election of a new President.

(26).. VOTING

- (A).. Each member present at a meeting of the Club and qualified to remain at such meeting shall be entitled to one vote. The Chairperson at any meeting shall be entitled to cast a deliberative vote and shall further be entitled to a casting vote. Voting shall be by simple majority except where otherwise expressly provided herein.
  - (i).. Voting shall be by show of hands but any two members shall be entitled to demand a ballot.
  - (ii).. Unless such ballot is so demanded, a declaration by the Chairperson that a resolution has been carried, and an entry to that effect in the minutes of the meeting, signed by the Chairperson, shall be sufficient evidence of the fact, and shall be deemed to be the resolution of the Club.

(27).. PERPETUAL TROPHIES

- (A).. Perpetual Trophies will only be allowed to be in the company of Winning Drivers at the discretion of the Committee.
- (B).. Perpetual Trophies must be returned 6 weeks prior to the next event where they are to be re-issued.

(28).. AMENDMENT TO CLUB RACE RULES and SPECIFICATIONS

The Race Sub Committee shall be responsible for any amendments to the Club Race Rules and Specifications. These amendments must then be presented to Committee for approval.

(29).. INCOME/PROFIT

The income and profit of the Club where so ever derived shall be applied solely to the promotion of it's objectives as set forth in Section 3 of this constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividends, bonuses or otherwise howsoever to it's members, provided that nothing herein shall prevent the payment in good faith or remuneration to any member of the Club for services actually rendered to the Club.

- (30).. INSPECTION AND KEEPING OF RECORDS, ETC. OF ASSOCIATION
- (A).. The Secretary shall maintain a register in an up-to-date condition and contain the name and postal or residential address of the members.
  - (B).. A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.
- (31).. DISPUTES AND MEDIATION
- (A).. The grievance procedure set out in this rule applies to disputes under these rules between –
    - (i).. A member and another member; or
    - (ii).. A member and the Association; or
    - (iii).. If the Association provides services to non-members, those non-members who receive services from the Association, and the Association.
  - (B).. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
  - (C).. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
  - (D).. The mediator must be –
    - (i).. A person chosen by agreement between the parties; or
    - (ii).. In the absence of agreement –
      - (a).. in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
      - (b).. in the case of a dispute between a member or relevant non-member (as defined by sub-rule (A) (iii)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
  - (E).. A member of the Association can be a mediator.
  - (F).. The Mediator cannot be a member who is a party to the dispute.
  - (G).. The parties to the dispute must, in good faith, attempt to settle the dispute by mediator.
  - (H).. The mediator, in conducting the mediation, must –
    - (i).. Give the parties to the mediation process every opportunity to be heard;
    - (ii).. Allow due consideration by all parties of any written statement submitted by any party; and
    - (iii).. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
  - (I).. The mediator must not determine the dispute.
  - (J).. The mediation must be confidential and without prejudice.
  - (K).. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

(32).. DISSOLUTION

- (A).. The Association may be dissolved by special resolution passed by a 75% majority of votes cast at a special general meeting called for that purpose.
- (B).. Surplus property that exists after winding up or dissolution is to be given or transferred to another association incorporated under the act which has similar object and which is not carried on for the purposes of profit or gain to its individual members.
- (C).. Which association is to receive the property is to be determined by resolution of the members.

(33).. NOT FOR PROFIT

The income and property of the Club where so ever derived, shall be applied solely towards the promotion of it's objectives as set forth in this Constitution, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever to it's members, provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of the Club for services actually rendered in the Club.

This Constitution was approved by the Department of Commerce on the 31<sup>st</sup> May 2010

AMENDMENT LIST:

Section 21 E

Wording Change

AGM 25<sup>th</sup> May 2011.