

## Constitution of:

### The Coffs Harbour & District Motorcycle Restorers Club Inc.



This Constitution was accepted by the members at the Annual General Meeting on the 20th August, 2015.

#### 1. Name.

The name of the club will be The Coffs Harbour & District Motorcycle Restorers Club Inc. Referred to as 'the Club' in the Constitution below.

#### 2. Objects.

The objects of the Club will be -

- a. To encourage the interest, restoration, preservation and use of motorcycles 30 years old or older and defunct makes.
- b. To ensure the preservation of records, documents, information and equipment pertaining to old, unusual or out of production motorcycles.
- c. To provide, through its members and committee, services and assistance in the restoration of machines.
- d. To publish a magazine monthly, by-monthly or as determined by the Club for the benefit of members. The magazine to be called 'Restore & Ride.'
- e. To organise or participate in displays, rallies, events and social gatherings for the members promoting object.
- f. To hold a monthly meeting on a day as the members may determine, and at a place suitable for the gathering of the members for the purpose of discussions, official business, reports, films and a social gathering.
- g. To safeguard the rights of members and to promote the better image of motorcycling.
- h. To provide a 'non-profit club' for members.
- i. To make available to charitable and the like organisations, when invited, members and machines. The Committee will consider such invitations and decide whether to participate or not and advise the person or organisations extending the invitation of any conditions the Club may require.
- j. To sell, hire, exchange, lease or otherwise dispose or deal with any property of the Club. The liability of the Club is limited.
- k. All motorcycles, regardless of country of origin, are welcome.
- l. A member's age is not a limiting factor in any way, although riders must hold a current motorcycle rider's licence.

#### 3. Membership.

- a. Membership shall be open to any person who accepts the objects and rules of the Club.
- b. Individuals wishing to become a member of the Club must attend a meeting in person, unless otherwise approved by the Committee, and submit their application on the Club's membership application form. At the next monthly meeting a vote will be taken to accept or reject the application and the applicant advised in writing before the next following monthly meeting.
- c. The committee shall refuse membership to any person when the committee agrees

by majority vote that granting membership to such person is not in the best interest of the Club, its members or the image of motorcycling.

- d. Any person refused membership by the committee has a right to have a current financial member speak on their behalf at the next general meeting following the committee's decision when the Club members may be requested to vote on the application for membership.
- e. The committee may expel any member whose conduct is considered to be prejudicial to or not in the best interest of the Club, its other members or the image of motorcycling.
- f. Any member so expelled has the right to address the members on the issue of their expulsion at the next general meeting of the Club following the committee's decision and may request the members to vote on the committee's decision. The vote will be by secret ballot and is final and binding.
- g. Members shall pay such fees as are determined by the Club at an A.G.M. and payment of such fees is deemed to be acknowledgement by a member that they agree to abide by the Club's constitution, objects and rules including any amendments.
- h. A register shall be kept of the Club's members which will include the member's name address, membership number, date of joining and any cessation date if applicable.
- i. Membership shall cease upon resignation, expulsion or failure to pay outstanding membership fees after a period of 2 months of the due date. The due date is the 1<sup>st</sup> of July of each year.
- j. Membership renewal fees can be paid directly to or posted to the Club Treasurer at the Club's postal address. They may also be paid by way of direct deposit into the Club's banking account using the member's name as a reference.
- k. The payment of overdue membership fees does not constitute financial membership until a new Club membership card has been received by the member.
- l. New members joining after the 31<sup>st</sup> of December of each year will only be liable to pay half of the normal annual membership fee. This does not apply to people who have been a financial member of the Club at any time during the previous 2 years.
- m. New members joining during the months of May or June of any year and who pay a full year's membership fee, will be considered to be a financial member for the whole of the ensuing membership year.
- n. A new member is considered to be someone who has not been a financial member of the Club for 2 consecutive years.
- o. The financial year of the Club shall extend from the 1<sup>st</sup> of July of one year until the 30<sup>th</sup> of June of the following year.

#### 4. Types of Membership.

- I. **Full membership** - Must be at least 18 years of age and is entitled to conditional registration, Club magazine and full voting rights.
- II. **Family membership** - Membership fee calculated to be one and a half of full membership fees and only includes immediate family residing at the same address. Entitled to one vote each for two family members who are over 18 years of age. Also entitled to one Club magazine per family and conditional registration if over 18 years of age.
- III. **Honorary member** - Is intended to last for only one year and does not carry any voting rights, conditional registration or Club magazine.
- IV. **Junior member** - Under 18 years of age. Only half normal membership fee. Entitled to Club magazine, but not entitled to vote or conditional registration.



- V. **Life member** - Free membership and is granted to members with a minimum of 20 years service to the Club, or as decided by the committee and are regarded as having the rights of full membership.
- VI. **Free membership** - Is extended to members who are over 80 years of age and have been a financial member of the Club for a minimum of 10 years. They are regarded as having the rights of full membership.

#### 5. **Member's liability.**

The members of the Club shall have no liability to contribute towards the payment of debts and liabilities of the Club or the costs, charges and expenses incurred in the winding up of the Club with the exemption of the amount of any of their unpaid fees.

#### 6. **Disciplining of members.**

The procedure for the disciplining of members shall be determined by the committee. Any member who wishes to appeal against the decision of the committee may address on that issue at the next general meeting of the Club following the committee's decision to discipline that member.

#### 7. **Management by Committee.**

- a. The Club shall have its affairs controlled and managed by a committee comprising of the President, Vice President, Secretary, Treasurer and Club Captain.
- b. In the event that one committee member holds two committee positions, then the Vice-Captain or Club Registrar can be called upon to make up a fifth committee member.
- c. Additional committee members may be elected to assist the committee or to perform specified duties as determined by the members of the Club. Any casual vacancies occurring in the committee may be filled by a member appointed by the committee.
- d. The committee shall co-ordinate the Club rallies, displays, organise suitable events and keep the Club informed of events of other clubs which members may wish to attend. Any casual vacancies occurring in the committee may be filled by a member appointed by the committee.
- e. Each member of the committee shall hold office from the date of their election until the next Annual General Meeting.
- f. Retiring committee members are eligible for re-election although a member may only hold the office of President, Secretary or Treasurer for three consecutive years. In the event that a member has served in the office of President, Secretary or Treasurer for three consecutive years, and at the ensuing A.G.M., another member does not nominate or accept nomination as a replacement for that office, then, with the agreeance by vote of at least 75% of members present at the A.G.M., or a subsequent A.G.M., the member who has held that office, may continue to serve in that office until the next A.G.M., as if normally elected. However, after a member has served in the office of President, Secretary or Treasurer for three consecutive years, including any additional years of office, and a nomination is accepted for that office by any other member at an A.G.M., then that member who has already held that office for three consecutive years or more is automatically disqualified from nominating, being nominated or holding that office again for a period of one year.
- g. A member of the committee shall cease to hold office upon resignation in writing, removal as a member of the Club or absent from three consecutive committee

meetings without approval by the committee. The defaulting committee member will remain a member of the Club but shall not be eligible to serve on any future committee unless approved to do so by the members at an A.G.M.

- h. The committee shall meet as often as necessary outside general meetings and the A.G.M. to conduct the business of the Club.
- i. A quorum for a general meeting shall be 2 committee members and 3 ordinary members.
- j. A quorum for a committee meeting shall be half of the elected committee members.
- k. All members of the committee must be given reasonable notice of any committee meeting by means as the committee may decide upon.
- l. Any decisions to be made at a committee meeting shall be decided by a majority vote of those present. In the case of an equality of votes, then the person appointed to chair the meeting shall have a second or casting vote.
- m. Minutes of a committee meeting will be re-tabled at the next general meeting.
- n. General meetings will be held at 7.30pm on the third Thursday of each month at the normal meeting place or as decided by the Club. Notice of all Club meetings will be given in the Club magazine and on the Club web-site.

#### 8. Office Bearers.

- a. **The President**, or in his absence, the **Vice-President** shall act as chairperson at each A.G.M., Special Meeting or Monthly Meeting. The chairperson shall be responsible for the performance of the officers and committee members. If the President and the Vice-President are absent from a meeting, or unwilling to act, the members present at the meeting shall elect one of their numbers to act as chairperson.
- b. **The Secretary** shall keep, or cause to be kept, records of the business of the club including the constitution, register of members, minutes of all meetings and file of correspondence both inwards and outwards. The Secretary shall also keep available for inspection a record of clubs and organisations the Club has contact with. All such books and documents shall be available for inspection by any member having given reasonable notice to the Secretary of at least 24 hours.
- c. **The Treasurer** shall ensure that all monies received have a receipt made out and are paid into an account in the Club's name and shall keep a ledger accounting for all incoming and outgoing monies. He shall be responsible for seeing that all outstanding accounts owed by the Club are paid promptly. Any accounts of up to \$50, whether paid by cheque or from petty cash, needs no authorisation by the Club, but must be presented as an account at the next general meeting and duly recorded in the Treasurer's ledger. Major or unusual expenditure shall be authorised in advance by the Committee or a General Meeting and may only be paid by a cheque signed by two of the Club signatories.
  - I. The Club signatories will be the President, Vice-President, Secretary and Treasurer.
  - II. The Treasurer shall ensure that correct books and accounts are kept showing the complete financial affairs and transactions of the Club. These records shall be available for inspection by any member and shall be held in the custody of the Treasurer.
  - III. At each meeting, with the exception of a Special Meeting unless it's required, the Treasurer shall submit an up to date report on the financial situation of the Club which will include all incoming and outgoing monies since reported at the last meeting.



- IV. At the A.G.M., the Treasurer shall present to the Club members a full profit and loss report together with a completed balance sheet.
- V. Any costs incurred by the committee members or officers in the performance of normal Club duties, will be reimbursed from the funds of the Club, provided suitable documentation of such expenses is presented with each claim.
- VI. The Treasurer shall keep a list of all financial members.
- VII. No money is to be withdrawn from any money collected by any Club member.
- d. **The Club Captain** shall, as far as is practicable, ensure that an entry is made in the daybook recording the names of members attending any Club ride events. If contacted by a Club member advising the necessity of an extended maintenance run, he will ensure that those details are entered in the day book as soon as practicable. If the Club Captain is not available, any member of the committee can be contacted regarding an extended maintenance run. That committee member must ensure that the run is recorded in the Day Book as soon as practicable.
- e. **The Club Registrar** shall, as far as practicalities allow, keep an up to date central containing the full details of machine examinations as passed on to him by the machine examiners including the name of the examiner performing the inspection.
- f. **Removal of Committee Members.** The Association may, by resolution, remove any member of the Committee from their office before the expiration of the member's term of office and may, by resolution, appoint another member to hold that office until the expiration of the term of the office of the member so removed.
- g. **The Public Officer.**
  - I. The committee shall ensure that a person is appointed as its Public Officer.
  - II. The committee may, at any time, remove the Public Officer and appoint a new Officer provided the person appointed is at least 18 years of age and a resident of N.S.W.
  - III. The Public Officer shall be deemed to have vacated the position in the following circumstances -
    - a. Death.
    - b. Resignation.
    - c. Removal at a Special Meeting.
    - d. Bankruptcy or financial insolvency.
    - e. Mental illness
    - f. Residency outside of N.S.W.
  - IV. When a vacancy occurs in the position of Public Officer, the committee shall, within 14 days, notify the Dept of Fair Trading on the prescribed form and elect a new Public Officer.
  - V. The Public Officer may be an office bearer, committee member or any other member regarded as a suitable person by the committee.
- h. **Machine Examiners** are responsible for the authenticity of the machines they examine, their eligibility for conditional registration, their roadworthiness and that the applicant is a current financial member of the Club.
  - I. Onus is on the applicant/owner of the motorcycle to prove to the machine examiner that he is in fact a current financial member of the Club.
  - II. An examiner is only responsible for the roadworthiness of the motorcycle at the time of examination. The responsibility for the roadworthiness of the motorcycle after the examiner's inspection is totally the responsibility of the owner.
  - III. Authorised machine examiners must keep a record of each machine examination they conduct. The record will include the date, member name

and membership number, a brief description of the motorcycle, its registration number and expiry date. If the examination is for a new registration with no registration number, then either the frame or engine number should be recorded instead.

- IV. Machine examiners will, as soon as practicable, pass on to the Club Registrar in writing or by telephone, those details recorded at the time of machine examination to enable the Club Registrar to keep an up to date record of member's motorcycles with conditional registration.

**9. Annual General Meetings.**

- a. The annual general meeting of the Club shall be held in August of each year at the normal Club meeting place.
- b. The committee may, whenever it thinks fit, convene a Special Meeting of the Club. A Special Meeting must be convened within 21 days of receiving a written request to do so from at least 5 financial members of the Club.
- c. Notice of an A.G.M. will be advised to the members via the Club magazine, on the Club web-site or by other electronic transmission at least 21 days prior to the A.G.M.
- d. No business other than that specified in the notice convening the A.G.M. or Special Meeting shall be transacted at that meeting.
- e. In the case of an A.G.M., the following business shall be transacted at the meeting whether specified or not.
  - i. Confirmation of the minutes of the previous A.G.M. and any Special Meeting.
  - ii. Receipt of the President's, Secretary's and Treasurer's report upon the activities of the Club in the preceding year.
  - iii. Election of office bearers and other members of the committee, magazine editor, public officer, machine registrar, club captain and assistant, librarian, property officer, publicity officer, rally director with a sub-committee and machine examiners. The office bearers and committee can hold any of the other positions.
  - iv. Receipt and consideration of the statement which is required to be submitted to the Department of Fair Trading under Section 26 (6) of the Association Incorporation Act.
- f. Membership fees can only be changed at an A.G.M. or a Special Meeting.
- g. A quorum for an A.G.M. or Special meeting shall be ten members present.
- h. Voting at an A.G.M., Special Meeting, General Meeting or Committee Meeting shall be by show of hands unless a secret ballot is deemed necessary for a contentious or delicate issue. All decisions shall be made by a simple majority vote with the exception of those matters decided by a special resolution where a three quarter majority vote is required. The result of a vote is final and binding.
- i. All votes shall be given in person, except by proxy as detailed in (k)
- j. If in the case of an equality of votes, the person appointed to chair the A.G.M., shall have a second or casting vote.
- k. A member who wishes to appoint another member as proxy must notify the Club writing at least 24 hours before the time of the meeting.
- l. No member may hold any more than three proxies.
- m. Nominations of candidates for election as committee members may be made at the A.G.M. or in such other ways as may be determined by the Club at the A.G.M.
- n. All notices of motion for the A.G.M. are to be in writing and notified to the members at least 21 days before the A.G.M.



- o. A time limit of 5 minutes shall be imposed on any member who has proposed a notice of motion on the notice paper for the A.G.M. or Special Meeting.

#### 10. Special Resolutions.

- a. A special resolution must be passed by an A.G.M. or a Special Meeting of the Club to effect the following changes -
  - i. A change of the Club name.
  - ii. A change to the Club constitution.
  - iii. A change of the Club objects.
  - iv. An amalgamation with another incorporated club.
  - v. To voluntarily wind up the Club and distribute its property.
- b. A special resolution shall be passed in the following manner -
  - i. A notice must be sent to all members advising that a Special Meeting is going to be held to consider a special resolution.
  - ii. The notice must give details of the proposed special resolution, and be given at least 21 days in advance of the meeting.
  - iii. A quorum must be present at the meeting.
  - iv. At least three quarters of those present in person or by proxy must vote in favour of the resolution for it to be passed.
  - v. In a situation where it is not possible or practicable for a resolution to be passed in the manner as described as above, a request may be made to the Dept. of Fair Trading for permission to pass the resolution in some other way.

#### 11. Special Events.

- a. A Special Event is any event conducted under the auspices of the Club which is not a usual Club ride, morning tea or Club annual rally.
- b. A Club ride or Club morning tea are 'in-Club' events where a formal invitation has not been extended to other parties with the exception of those Clubs with which we have established reciprocal riding arrangements.
- c. A member wanting to hold a Special Event must first gain approval from the Club Committee to table their proposal for approval by other member's at a general meeting.
- d. For that approval of a Special Event by other members at a general meeting, a vote of at least 75% of the members present at that general meeting must be gained.
- e. A sub-committee will be appointed for the Special Event as required and is responsible to the main committee.
- f. The member proposing the Special Event will automatically become the Chairperson for that Special Event Committee, unless approval for otherwise is given by the Club.
- g. The sub-committee must furnish a progress report at normal monthly general meetings leading up to the event either in person or through a member of the main committee
- h. All monies received in relation to a Special Event must be deposited into the account in the Club's name. All accounts will be paid by the Club Treasurer in the normal way upon receiving a receipt or account
- i. Within two months after the conclusion of the Special Event, that Special Event Committee will furnish to the Club a financial report on the event
- j. All Special Events are regarded as an ordinary Club ride for Club members and will be listed in the Club ride calendar as such.

## 12. Miscellaneous.

- a. The Club shall effect and maintain a public liability insurance policy together with any other insurance which may be required by law or regarded as necessary by the Club.
- b. The funds of the Club shall be derived from the fees of the members, donations, grants and such other sources approved by the Club.
- c. The Common Seal of the Club shall be kept in the custody of the Secretary and shall not be affixed to a document without the approval of the committee. The stamping of the Common Seal shall be witnessed by the signature of any two of the President, the Vice- President, Secretary or Treasurer.
- d. The association, may at any time, pass a special resolution determining how any surplus property is to be distributed in the event that the Club should be wound up. The distribution of surplus property shall be in accordance with Section 53 of the Associations Incorporations Act, 1984.

## 13. Conditional Registration.

- a. Conditional registration is only available to members holding full membership.
- b. Any member registering a motorcycle under conditional registration must have their motorcycle examined by a Club authorised machine examiner or a registered examiner.
- c. The application for conditional registration and the Historic Vehicle forms can only be signed by an official club machine examiner.
- d. The Club's Concourse day will normally be held on the second Saturday of August each year.
- e. Members are expected to restore or maintain their machines as near as possible to the vehicle's original specification with the exception that the provision for the vehicle's horn, brake light and rear vision mirror must comply with the requirements of a vehicle on full registration.
- f. If a member becomes nonfinancial, it is their responsibility to return the conditional registration number plate to the R.M.S. Riding a motorcycle displaying a conditional or Historic Vehicle number plate when you are not a financial member of the Club is illegal, and in doing so, you are not covered by C.T.P. insurance.
- g. Any motorcycle involved in a Club sanctioned activity must be roadworthy and comply with the equipment provisions of the Motor Traffic Act.
- h. It is recommended that all members carry Comprehensive Insurance or at the very least, insurance to cover Third Party Property Damage to protect themselves and other members of the Club. It is each member's own responsibility to arrange suitable insurance cover for themselves and their vehicle.
- i. A member, as a condition of membership, agrees to absolve the Club of any liability or claim whatsoever.
- j. **Conditionally registered vehicles** can only be used for events organised by the Club or another recognised Club or Community Organisation provided an official invitation has been received and documented in the official minutes or Day Book. They can also be used for servicing within a short distance from their place of garaging or for the purpose of being inspected for registration. If a longer journey is necessary, the member must notify the Club Captain for him to enter the details in the official Day Book. If the Club Captain is unavailable, then another Club Committee member must be notified who will, as soon as practicable; ensure that those particulars are entered in the Club Day Book. A conditionally registered vehicle may be operated



temporarily in other State or Territory under the same conditions as apply in N.S.W.

- k. **Any Club Member who owns a vehicle on conditional registration** and who, unless authorised by the Committee, does not utilize that conditional registration to engage in Club organized events, or who otherwise appears to have little or no interest in engaging or taking part in Club events or activities, may be considered by the Committee to be acting prejudicial to, or not in the best interest of the Club, it's other members or the image of motorcycling.

