

## **Constitution of the Kununurra Cycle Club – Adopted 22.4.07**

### **1.0 NAME:**

The name of the Club is Kununurra Cycle Club (Inc.) hereinafter referred to as the “Club”.

### **2.0 OBJECTS:**

The objects of the Association are:-

- 2.1 To foster and promote cycling in Kununurra
- 2.2 To promote good sportsmanship amongst participants and members.
- 2.3 To provide training and skills development in participating and officiating cycling
- 2.4 To provide a competitive environment and structured competitions for participants at all levels to enjoy cycling
- 2.5 To pursue opportunities for the Club and it’s members to participate in cycling with other clubs both within and outside Kununurra
- 2.6 To provide a friendly social environment for members to interact, encouraging camaraderie, team spirit and community spirit
- 2.7 To encourage people of all ages to participate in cycling and to provide the facilities and opportunities for them to do so

### **3.0 ATTAINING OBJECTS**

The Club shall be empowered to do all things necessary which are incidental to and necessary for the attainment of the objects of the Association.

### **4.0 PROPERTY OF THE ASSOCIATION**

The Club must apply all property and income of the Club towards the promotion of the objects or purposes of the Club and no part of that property or income to be paid or otherwise distributed, directly or indirectly, to members of the Club, except in good faith in the promotion of those objects or purposes.

### **5.0 POWERS OF THE ASSOCIATION: (as conferred by Section 13 of the Act).**

- 5.1 To acquire, hold, deal with, and dispose of any real or personal property;

- 5.2 To open and operate bank accounts;
- 5.3 To invest its money –
  - (i) in any security in which trust moneys may be invested; or
  - (ii) in any other manner authorised by the rules of the Club;
- 5.4 To borrow money upon such terms and conditions as the Club thinks fit;
- 5.5 To give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- 5.6 To appoint agents and employees to transact any business of the Clubs on its behalf for reward or otherwise;
- 5.7 To build construct erect maintain alter and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Club;
- 5.8 Accept donations and gifts in accordance with the objects of the Association;
- 5.9 Print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the Association;
- 5.10 Provide gifts and prizes in accordance with the objects of the Association;
- 5.11 Organise social events for Members and the promotion of the Association;
- 5.12 To apply for any grants or financial assistance which will benefit or improve the Club, enabling it to better carry out its objects; and
- 5.13 To enter into any other contract the Association considers necessary or desirable.

## 6.0 MEMBERSHIP:

- 6.1 Membership shall be open to any person who wishes to further the interests of the Association.
- 6.2 Any person seeking membership shall make application to the Management Committee, and the Management Committee shall determine whether the application is successful or not. Applications denied membership shall be advised in writing.
- 6.3 Each person admitted to membership shall be;
  - 6.3.1 Bound by the Constitution and By-laws of the Club.
  - 6.3.2 Come liable for such fees and subscriptions as may be fixed by the Club.
  - 6.3.3 Entitled to all advantages and privileges of membership.
- 6.4 Membership Categories:
  - 6.4.1 ORDINARY MEMBER  
Any person who is a financial member of the Club is entitled to hold any office and enjoy the privileges of the Club.
  - 6.4.2 SOCIAL MEMBER  
Persons other than ordinary members who are interested in promoting the Club, but who do not wish to participate in the playing activities of the Club, may become a Social Member.
  - 6.4.3 JUNIOR MEMBER

Any person under the age of 18 years may become a Junior Member. Junior Members shall have no voting rights nor be entitled to hold any office.

6.4.4 LIFE MEMBERSHIP

The Management Committee may elect any member who has given outstanding service to the Club. Any member may nominate a person to the Management Committee for consideration for Life Membership.

6.4.5 PATRON

The Club may, at its discretion, elect a patron/s or vice patron/s of the Club for such period as may be deemed necessary. Such patron/s or vice patron/s shall not be eligible to vote unless they are current members of the Club under another category of membership.

6.4.6 AFFILIATED CLUBS OR TEAMS

A club or team desirous of becoming an affiliated club or team must take application in accordance with the by-laws of the Club. Such application must be lodged with the Club Secretary on or before a date as determined by the Management Committee of the Club. Each affiliated club or team shall appoint or elect a delegate as his or her representative to meetings of the Management Committee.

6.5 The Management Committee shall appoint a member of the Management Committee to maintain an up to date register of members of the Club.

6.6 A member may at any reasonable time inspect the records and documents of the Club.

7.0 SUBSCRIPTIONS:

7.1 The Membership Fee payable by members of the Club shall be such amount and paid in such manner as prescribed by the Committee from time to time.

8.0 TERMINATION OF MEMBERSHIP

8.1 Any person's membership may be terminated by the following events;

8.1.1 Resignation

8.1.2 Expulsion

8.1.3 a Member's annual membership fee remains unpaid after the due date;

8.2 The Management Committee shall have the power to suspend or expel any member of the Association for:

8.2.1 any of the events in Item 8.1

8.2.2 False or inaccurate statements made in the member's application for membership of the Club,

8.2.3 breach of any rule, regulation or by-law of the Club and

8.2.4 by any act detrimental to the Club.

After having undertaken due inquiry.

8.3 Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension

or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

## 9.0 MANAGEMENT COMMITTEE

- N.B (1) sometimes called Executive Committee.  
(2) Committee persons are sometimes referred to as Office Bearers.  
(3) the main Office Bearers are often referred to as The Executive.

9.1 Management of the Club shall be vested in the Management Committee elected by the members at the Annual General Meeting and consisting of;

- 9.1.1 President
- 9.1.2 Vice President
- 9.1.3 Secretary
- 9.1.4 Treasurer
- 9.1.5 Three Committee Members
- 9.1.6 Club or Team delegates

9.2 A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting which follows his/her election and he will be eligible for re-election.

9.3 A quorum of the Management Committee shall be half of its members plus one.

9.4 If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.

9.5 A member of the management committee may lose his or her seat on the committee for either of the following;

- Absence from three or more meetings without leave of absence.
- Found not to be a financial member.

## 10.0 POWERS OF THE MANAGEMENT COMMITTEE

10.1 The Management Committee shall carry out the day-to-day running of the Club and shall have the power to:

- 10.1.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
- 10.1.2 Fix the manner in which such banking accounts shall be operated upon, providing all payments are passed by the Management Committee;
- 10.1.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
- 10.1.4 Adjudicate on all matters brought before it which in any way affect the Club.
- 10.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
- 10.1.6 Make, amend and rescind rulings and By-laws;

- 10.1.7 Have the power to form and appoint any sub committee/s as required for specific purposes;
- 10.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Club, at salaries or remunerations for such period of time, as may be deemed necessary.
- 10.1.9 Should a vacancy occur on the Management Committee during the season, the Management Committee shall appoint a successor until the next Annual General Meeting.
- 10.1.10 Appoint an officer/s or agent of the Management Committee to have custody of the Association's records, documents and securities.

## 11.0 GENERAL MEETINGS:

### 11.1 Annual General Meeting

- 11.1.1 The Annual General Meeting of the Club must be held within four months of the end of the club's financial year.
- 11.1.2 The Secretary shall give at least fourteen (14) days notice of the date of the Annual General Meeting, to members.
- 11.1.3 All financial members may attend the Annual General Meeting.
- 11.1.4 The quorum at the Annual General Meeting, shall be a minimum of seven (7) members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.
- 11.1.5 The agenda for an Annual General Meeting shall be;
  - Opening of Meeting
  - Apologies
  - Confirmation of Minutes of previous Annual General Meeting
  - Presentation of Annual Report
  - Adoption of Annual Report
  - Presentation of Treasurer's statement
  - Election of New Executive
  - Vote of thanks to outgoing Executive
  - Review or Determination of Annual Membership Fee
  - Notice/s of Motion
  - Urgent general business
  - Closure

### 11.2 General Meetings

- 11.2.1 General Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of four members of the Association.

11.2.2 The Secretary shall give at least seven (7) days notice, in writing, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.

11.2.3 The quorum at the General Meeting shall be a minimum of seven members.

## 12.0 VOTING

12.1 Voting powers at the Annual General Meeting and General Meetings:

12.1.1 The President shall be entitled to a deliberate vote and, in the event of a tied vote, the President shall exercise a casting vote.

12.1.2 Each individual financial member present shall have one (1) vote.

12.2 Voting powers at Management Committee Meetings;

12.2.1 The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote.

12.2.2 Each individual committee member present shall have one (1) vote.

## 13.0 FINANCE:

13.1 All funds of the Club shall be deposited into the Club's accounts at such bank or recognised financial institution as the Management Committee may determine.

13.2 All accounts due by the Association shall be paid by cheque after having being passed for payment at the Management Committee Meeting and when immediate payment is necessary, account/s shall be paid and the action endorsed at the next Management Committee Meeting.

13.3 The Secretary or Treasurer shall not spend more than a set amount Petty Cash without the consent of the Management Committee, and shall keep a record of such expenditure in a Petty Cash Book.

13.4 A statement showing the financial position of the Club shall be tabled at each Management Committee Meeting by the Treasurer.

13.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting.

13.6 The financial year of the Club shall commence on 1<sup>st</sup> July each year.

13.7 The signatories to the Club's account/s will be the Treasurer and any two (2) from the following;

- President
- Vice President
- Secretary

13.8 All property and income of the Club will apply solely to the promotion of the objects of the Club and no part of that property or

income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.

#### 14.0 RULES OF COMPETITION

All events and competition shall be conducted under the auspices of the Western Australian Cycling Federation and will follow the By Laws, Technical Rules and Regulations of Cycling Australia.

#### 15.0 COMMON SEAL

(A rubber stamp on which is engraved the Club's name)

The common seal of the Club shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or document except pursuant to a resolution of the Management Committee and in the presence of at least the President and two members of the Committee, both of whom shall subscribe their names as witnesses.

#### 16.0 ALTERNATIONS TO THE CONSTITUTION AND BY-LAWS:

16.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting, called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.

16.2 The Secretary shall forward such notices of motion to each Management Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.

16.3 Alterations to the By-laws can be made only at Management Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.

16.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to a vote at the Annual General Meeting, General Meeting or Management Committee Meeting, as the case may be.

16.5 Within one month of the passing of a Special Resolution, the Secretary shall notify the Department of Consumer and Employment Protection of the amendment.

#### 17.0 DISSOLUTION

If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed

- (a) another incorporated club having objects similar to those of the club; or
- (b) for charitable or benevolent purposes, which incorporated Association or purposes, as the case requires, shall be determined by resolution of the members.