

Port Hedland Motorcycle Club

Club Constitution



The Constitution of the Port Hedland Motorcycle Club

1) Name

The name of the association shall be “The Port Hedland Motorcycle Club (INC)” Hereinafter referred to as “the club”

2) Objects

The objects of the club are

A) To promote, develop, encourage and facilitate in all its form the sport of motorcycle racing

B) To maintain the prestige of the club and the sport

C) To assist affiliated motorcycle clubs and new clubs in matters of formation and operation of their activities

D) To promote a public image of sportsmanship and citizenship at its highest level

3) Membership

Membership shall be open to all persons who endorse the objects of the club and pay the annual subscriptions of the Club – Club Membership Season dates will be as of 1st of January through to the 1st December on any given year.

3a) Membership Fees

The committee must annually revise and or determine the entrance fee and the annual membership fee to be paid for membership of the club as shall be displayed and updated via the “ www.phmcc.com.au” website.

3b) Membership Fees

If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.

3c) Membership Fees

If a person who has ceased to be a member under sub rule (3b) offers to pay the annual membership fee after the period referred to in that sub rule (3b) has expired —

(a) the committee may, at its discretion, accept that payment; and

(b) if the payment is accepted, the person’s membership is reinstated from the date the payment is accepted.

3c) Register of Membership

(1) The Club Registrar and or the secretary, or another person authorised by the committee, is responsible for the requirements imposed on the club under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the club.

- (2) The register of members must be kept in electronic format at the club registrar's place of residence, or at another place determined by the committee.
- (3) A member who wishes to inspect the register of members must contact the club registrar to make the necessary arrangements.
- (4) If —
 - (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
 - (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the club.

3d) Termination of Membership

Any person ceasing to be a member of the Club shall forfeit all or any right, legally or morally to and claim upon the Club's property and funds

4) Annual General Meeting

The Annual General Meeting of the club shall be held at a time and place on a date each year to be fixed by the committee. No more than fifteen months after holding of the last preceding Annual General Meeting. The Agenda shall be as follows:

- 1) Welcome
- 2) Retiring President's Report
- 3) Retiring Treasure's Report
- 4) Retirement of the Executive Committee and social committee
- 5) Election of new Executives and social committee
- 6) Minutes of the previous AGM
- 7) Business Arising
- 8) Business as usual

5) Composition of Committee and Duties of Members

5a) Committee Members

The following are the office holders of the club —

- (1) the President
- (2) the Vice President of Motocross
- (3) the Vice President of Enduro
- (4) the Secretary;
- (5) the Treasurer.
- (6) The Club Registrar

5b) Social Committee Members

The following are the office holders of the club —

- (1) the Canteen and Bar Manager
- (2) the Race Scorers
- (3) the Motocross and Enduro Track Committee
- (4) the Sponsorship, Fundraising and Grants manager

5c) Committee Members

A person may be a committee member if the person is —

- (1) an individual who has reached 18 years of age; and
- (2) an ordinary member.

5d) Committee Members

A person must not hold 2 or more of the offices mentioned in sub rule 5a at the same time.

6) Election of Committee Members

At the Annual General Meeting all members of the committee shall retire but shall be eligible for re-election. They shall remain in office until their successors are appointed at the Annual General Meeting next following appointment (any two members may propose any other candidate or candidates for office by verbal motion at the time of the Annual General Meeting). Voting shall be by show of hands and every member shall be entitled to vote for as many candidates as there are vacancies. Who shall receive the most votes shall be declared as elected. In the case of two or more candidates receiving an equal number of votes, the President shall have a second or casting vote.

7) Chair and Vote

The President of the Club shall chair ALL meetings that may arise. In the President's absence, the Secretary of the club shall take the chair. All members present and attending are entitled to cast one (1) vote upon every matter. In the case of equality of vote the chairman shall have a second or casting vote.

8) Special General Meeting

A special general meeting may be convened at any time by the committee, with the receipt of a requisition in writing signed by not less than five members specifying the object of the meeting. Twenty-One (21) days' notice must be given in writing to all members.

9) Quorum

The Quorum at all general meetings shall be 10 members of the club entitled to vote

10) Vacancies on the Committee

In the event of a vacancy on the Committee, the committee shall have the power to elect any member of the club to fill such vacancy, but the proceedings of the committee shall not be invalidated in consequences of there being less than the prescribed number.

11) Auditing of Books

The financial statement and the accounts of the club have to be audited prior to the commencement of the new race year. A member of the club not being a trustee or a member of the committee shall be elected to serve as auditor for the enduring year.

12) Property & Income

Income and property as is derived shall be applied solely towards the promotion of the PHMCC objectives.

13) Expulsion

If at any time the Club shall be of an opinion that the interests of the Club so require they may by letter direct a member to resign from the Club. The resignation/expulsion of a member shall be submitted to a Special General Meeting of members at the members' earliest convenience.

14) Secretary

The Secretary shall conduct the correspondence of the Club and shall have the custody of all documents and records belonging to the Club. Person(s) shall keep full and correct minutes of all proceedings and records of all competitions of the Club.

15) Treasurer

The Treasurer shall keep the accounts of the Club and shall make up the annual statement of accounts and balance sheet for the end of the financial year. This will be for presentation at the Annual General Meeting and shall be audited prior the AGM,

16) Meetings of the Committee

The committee shall meet together for the dispatch of business as often as the President or in his absence; the Secretary shall deem necessary (not less than once in every month). At least three days' notice shall be given to each committee member, and the committee may adjourn and otherwise regulate its meetings as it thinks fit. A quorum shall be four members. At every meeting of the committee, the President shall preside and in his absence, the members present shall choose one of their numbers to be Chairman of such meetings. Questions arising at any meeting shall be decided by a majority of votes and in the case of any equality of votes; the Chairman shall have a second or casting vote. The committee shall keep a minute book showing the resolutions proposed and passed and all other proceedings at their meeting.

17) Club Custodians

The property of the Club shall be vested in two Port Hedland Motorcycle Club custodians who shall be elected by the members and they shall respectively hold office until death or resignation, unless removed from office by a resolution of members. Any casual vacancy in the office of custodians may be filled up by the Committee. The person who is nominated shall hold office until the next general meeting after such appointment when he shall retire, but he shall be eligible for reappointment. The Club Custodians shall deal with the property of the Club in such manner as may appear to be in the best interest of the Club; subject always to the approval of the committee.

18) Alteration of Rules

The Executive Committee shall have the power to alter the rules. No such alterations shall take effect until those changes have been confirmed at the Annual General Meeting or the Special General Meeting.

19) By-Laws

The ordinary committee shall have the power to make by-laws for the regulating of the conduct and the affairs of the club in accordance with the Constitution.

20) Disciplinary

If at any time the Committee shall be of the belief that the interest of the Club so require, they may by letter invite any members to resign from the club within a time specified in the letter. In default of the resignation the question of the expulsion shall be submitted to an extraordinary Special Meeting of members. The Special Meeting must be held within four weeks after the date specified in such letter, as the date before which he shall have been invited to resign. The member whose expulsion is sought shall have notice of such meeting and of the grounds upon which it is to expel him. At the meeting the member whose expulsion is under consideration shall be allowed to an explanation of his conduct verbally or in writing, and if two thirds of members present shall vote for his expulsion he shall cease to be a member of the club. Provided that the coming at any such extraordinary general meeting shall be by ballot if not less than three members present thereat shall demand. It shall be in the power of the Committee to exclude such

a member from the Club House and grounds, and to withhold from him and all benefits and privileges of membership until such extraordinary general meeting shall be held.

21) Common Seal

The Club shall have a common seal which shall be maintained in the custody of the Secretary and or custodians of the club. The Common Seal shall only affix to any deed or other document on the instructions from the Committee and in the presence of the President and Secretary for the time being. The President is to sign and the Secretary to countersign the document

22) Indemnity

The Club deems it mandatory the inclusion of the approved clause of "Indemnity" to all "On the Day" entry forms adopted by the affiliated Clubs. Any person under the age of eighteen (18) must have the parents/guardian's handwriting authorisation and approval of participation.

23) Sub Committee

The committee may from time to time appoint from among their number such sub committees as they deem necessary or expedient and may dispute or refer to them such of the powers and duties of the Committee as the Committee may determine. Such sub committees shall periodically report their proceedings to the committee and shall conduct their business in accordance with the direction of the committee. A social committee shall be formed and be responsible for the fund raising and social antiquities of the club, reporting to the Management Committee through the Social Secretary. A sports committee shall be formed and be responsible for the completion calendar, competition rules, organization of events and recording of rides points, scores, reporting to the management committee through the sports secretary. Members of these committees shall be elected at the annual general meeting with a minimum of four members each. A work coordinator shall be elected and be responsible for recruiting labour and materials necessary for all club construction and maintenance projects.

24) Non-For-Profit

The property and income of the club shall be applied solely towards the promotion of the objects or purposes of the club. No part of that property or income may 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.

25) Dissolution Clause:

In the event that the club is dissolved, any surplus property that remains after the dissolution and the satisfaction of all debts and liabilities shall be transferred to another association within Western Australia, incorporated under the Act, that has similar objects and that is not carried on for the profit or gain of its individual members.

In the event of insolvency, The Club Custodians shall have the power to seek professional advice to determine its rights, obligations and options of the club at the cost of the Port Hedland Motorcycle Club.

26) A procedure for dealing with any dispute under or relating to the rules:

(a) between members; or

(b) between members and the Port Hedland Motorcycle Club.

The committee dealing with disputes and include the following

A requirement for the parties to the dispute to try and resolve the issue themselves, powers for the committee to consider and determine the matter if a resolution cannot be reached by the parties. Therefore, the secretary is able to given opportunity for a mediator to be appointed to assist in the matter.

27) The inspection by members of the club records and documents of the of club.

Any current financial paid member may upon request to the current secretary, may inspect the register of members, record of office holders and any other records. If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.

Further guidance may be used by the committee using the Models Rules and Guidance Notes - Associations Incorporation Act 2015 and or any other explanatory material Associations Incorporation Act 2015.

