



Sapphire Coast Historic Vehicle Club Inc

CONSTITUTION

October 2020

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Part 1 – Preliminary

1. Name

The name of the Club shall be the Sapphire Coast Historic Vehicle Club Incorporated, hereinafter called the Club.

2. Definitions

In this Constitution:

“Act” means the *Associations Incorporation Act 2009 (NSW)*.

“Regulation” means the *Associations Incorporation Regulation 2016*.

“Association and Club” references herein to Association mean Club and vice versa.

“Committee” means the body managing the Club and consisting of the elected members.

“Constitution” means this Constitution of the Sapphire Coast Historic Vehicle Club.

“Office Bearers” means a sub committee comprising the Club President, the Club Vice President, the Club Junior Vice President, the Club Secretary, the Club Treasurer and the Club Registrar.

“General Meeting” means any general meeting of the Club other than the Annual General Meeting or Special General Meeting.

“Historic Vehicle” means a self-propelled vehicle manufactured 30 or more years previously.

“Life Member” means a member elected as a Life Member of the Club under Clause 4 (5).

“Public Officer” means the person appointed to be the Public Officer of the Club in accordance with the Act.

“Special Resolution” means a Special Resolution as defined in the Act.

“TfNSW” means the NSW Government Department of Transport agency and its successor agencies.

3. Objects of the Club

The Objects of the Club are to:

- (1) Bring together persons who have an interest in historic vehicles.
- (2) To provide an environment of fellowship for members by the way of regular meetings, social events and club activities.
- (3) To promote, assist and foster the ownership, restoration, maintenance, history, use and enjoyment of eligible historic vehicles within the Club.
- (4) To encourage member's acceptance of recognising both the privileges and responsibilities associated with owning and using historic vehicles registered under TfNSW concessional registration schemes.
- (5) To establish a register of vehicles within the Club which is to contain a record of ownership, restoration and repair information.
- (6) To promote, organise and stage historic vehicle rallies, tours, exhibitions, displays and other such events.
- (7) To co-operate and associate with other clubs in the historic motoring movement.
- (8) To promote the club within the community by supporting local community events and not for profit organisations.
- (9) To publish regularly a Club magazine/newsletter containing information of interest to members.
- (10) To make By Laws to achieve the Objects of the Club.

Part 2 – Membership

4. Classes of Membership

- (1) Ordinary membership: is open to a person over 18 years of age, who owns one or more historic vehicles, and if applicable, his or her spouse or partner who ordinarily resides at the same address in a domestic relationship,
- (2) Social Membership: is open to a person over 18 years of age, who does not own an historic vehicle, and if applicable, his or her spouse or partner who ordinarily resides at the same address in a domestic relationship,
- (3) Country Membership: is open to a person over 18 years of age, who owns one or more historic vehicles and resides more than 100 kilometres direct distance from the Club, and if applicable, his or her spouse or partner, whom ordinarily resides at the same address a in a domestic relationship,
- (4) Junior Membership: is open to a person up to and inclusive of 18 years of age.
- (5) Life Membership: is bestowed on a member in recognition of outstanding and meritorious service to the Club and/or to the historic vehicle movement. A person may only be elected to Life Membership at a Special or Annual General Meeting, shall enjoy the benefits of Ordinary membership and shall not be required to pay an annual membership fee.
- (6) Patron: Members may elect patrons of the Club. A patron may only be elected at a Special or Annual General Meeting, is not required to pay the annual membership fee nor the right to vote.

5. Nomination for Membership

A person applying for membership shall:

- (1) Be nominated and seconded by two members, being either Ordinary, Social or Life Members, on the Membership Application Form (MAF), at Appendix 1.
- (2) The MAF must be lodged (including by electronic means), with the Secretary of the Club.
- (3) As soon as practicable after receiving a MAF, the Secretary must refer the nomination to the Committee which is to determine whether to recommend or to reject the nomination.
- (4) If the MAF is recommended by the Committee it shall be presented to members at a General Meeting where members shall vote to approve, or not approve, the application.
- (5) As soon as practicable after the General Meeting has voted on the MAF, the Secretary must:
 - (a) notify the applicant that the General Meeting has approved or rejected the nomination (whichever is applicable),
 - (b) if the nomination is approved, request the applicant to pay within 30 days the sum payable under this constitution by a member as the joining fee and annual subscription, and
 - (c) the election to membership shall be void if the applicant does not comply with sub clause (5) (b).
- (6) The Secretary must, on payment by the applicant of the amounts referred to in sub clause (5) (b) within the period referred to in that provision, enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member.

6. Cessation of Membership

A person ceases to be a member of the Club if the person:

- (1) dies, or
- (2) resigns membership, or
- (3) is expelled from the Club, or
- (4) fails to pay fees under clause 10 by the 31st of January following when the fee was due.

7. Membership Entitlements Not Transferable

A right, privilege or obligation which a person has by reason of being a member of the Club:

- (1) is not capable of being transferred or transmitted to another person, and

- (2) terminates on cessation of the person's membership.

8. Resignation of Membership

- (1) A member of the Club may resign from membership of the Club by first giving to the Secretary written notice of at least one 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.
- (2) If a member of the Club ceases to be a member under sub clause 8(1), 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.

9. Register of Members

- (1) The Secretary must establish and maintain a register of members of the Club (in written or electronic form) specifying the name and postal and residential address, and where available the email address, of each person who is a member of the Club together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales at the main premises of the Club.
- (3) The register of members must be open for inspection, free of charge, by any member of the Club at any reasonable hour.
- (4) A member of the Club may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) be not made available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Club or other material relating to the Club, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (7) If the register of members is kept in electronic form it must be convertible into hard copy.

10. Fees and Subscriptions

- (1) A member of the Club must, on admission to membership, pay to the Club a joining fee of an amount as determined at the Annual General Meeting of the Club.
- (2) In addition to any amount payable by the member under sub clause (1), a member of the Club must pay to the Club an annual membership fee of an amount as determined at the Annual General Meeting of the Club.
- (3) Annual membership fees are based on a calendar year and are payable by the 31st of January following the annual Registration Day.
- (4) A member elected to membership of the Club part-way through a calendar year will be required to pay a pro-rata membership fee as determined by the Committee.

11. Members' Liabilities

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by clause 10.

12. Resolution of Disputes

A member or members who have a dispute with another member or the club should where possible attempt to resolve the dispute in a conciliatory manner and where necessary refer the matter to the Committee for

resolution. If the member believes that it is not in their interests to refer the matter to the Committee, or the Committee is unable to resolve the dispute to the satisfaction of the member:

- (1) A dispute between a member and another member (in their capacity as members) of the Club, or a dispute between a member or members and the Club, are to be referred to a Community Justice Centre for mediation under the Community Justice Centres Act 1983.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (3) The Commercial Arbitration Act 2010 applies to a dispute referred to arbitration.

13. Disciplining of Members

- (1) A complaint may be made to the Committee by any member that another member of the Club:
 - (a) has refused or neglected to comply with a provision or provisions of this Constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the Club.
- (2) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the Committee decides to deal with the 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.
- (4) The Committee may, by resolution, expel the member from the Club or suspend the member from membership of the Club 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 and the expulsion or suspension is warranted in the circumstances.
- (5) Should a member be in violation of the rules of any RMS conditional registration scheme, the Committee can refuse registration under any RMS conditional registration Scheme or can expel the member.
- (6) If the Committee expels or suspends a member, the Secretary must, within 7 days after the decision is taken, provide written notice to be given to the member of the decision taken, of the reasons given by the Committee for having taken that action and of the member's right of appeal under clause 14.
- (7) 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 Club confirms the resolution under clause 13, whichever is the later.

14. Right of Appeal of Disciplined Member

- (1) A member may appeal to the Club at a Special General Meeting against a resolution of the Committee under clause 12, 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 sub clause 14(1), the Secretary must notify the Committee, which is to convene a Special General Meeting of the Club to be held within 28 days after the date on which the Secretary received the notice.
- (4) At a Special General Meeting of the Club convened under sub clause 14(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) The appeal is to be determined by a simple majority of votes cast by members of the Club.

Part 3 - The Committee

15. Powers of the Committee

Subject to the Act, the Regulation and this Constitution and to any resolution passed by the Club at a General Meeting, the Committee:

- (1) is to control and manage the affairs of the Club, and
- (2) may exercise all such functions as may be exercised by the Club, other than those functions that are required by this Constitution to be exercised by a General Meeting of members of the Club, and
- (3) has the 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 Club.
- (4) may co-opt up to two members of the Club to serve on the Committee, as non-voting members, to provide advice and guidance to the Committee.
- (5) appoint a Public Officer to perform duties on behalf of the Club and in accordance with the Act.

16. Composition and Membership of the Committee

- (1) The Committee is to consist of 9 elected members, comprising:
 - (2) the office-bearers of the Club, and
 - (3) 3 ordinary committee members, each of whom is to be elected at the Annual General Meeting of the Club under clause 18.
- (4) The office-bearers of the Club are:
 - (a) the President
 - (b) the Vice President
 - (c) the Junior Vice President
 - (d) the Secretary
 - (e) the Treasurer
 - (f) the Registrar
- (5) A Committee member may hold up to two offices (other than the offices of President or Vice-President).
- (6) The President may only serve office for five consecutive years, but be eligible for re-election after a minimum period of one year. There is no maximum number of consecutive terms for which all other Committee members may hold office.
- (7) Each member of the Committee is, subject to this Constitution, to hold office until immediately before the election of Committee members at the Annual General Meeting next following the date of the member's election, and is eligible for re-election.

17. Duties of Office Bearers

- (1) The President shall:
 - (a) Preside at all meetings to regulate and keep order in all proceedings.
 - (a) Plan, lead, organise within the Presidents role.
 - (b) In conjunction with the Committee, plan the agenda of Committee meetings, General meetings and Annual General meetings.
 - (c) Ensure all rules of the Constitution are observed.
 - (d) Act as one of the signatories for the Club bank accounts.
- (2) The Vice-President shall:
 - (a) Act in the role of the President in the absence of the President.
 - (b) Carry out other duties and responsibilities as required by the President.
 - (c) Act as one of the signatories for the Club bank accounts.
- (3) The Junior Vice-President shall:

- (a) Carry out duties and responsibilities as required by the President.
- (4) The Secretary shall:
 - (a) Record and file all meeting minutes whether in written or electronic form.
 - (b) Receive, distribute and attend to all official correspondence of the Club.
 - (c) Keep and maintain a register of the members of the Club.
 - (d) Send notices to club members.
 - (e) Provide Club membership cards for all members upon payment of membership fees.
 - (f) Act as one of the signatories for the Club bank accounts.
- (5) The Treasurer shall:
 - (a) Ensure that all monies due to the Club are collected and received and that all payments authorised by the Club are made.
 - (b) Ensure that correct books and accounts are kept showing the financial affairs of the Club including full details of income and expenditure.
 - (c) Prepare a financial report for each committee and general meeting of the Club, and an annual financial report for the AGM.
 - (d) Act as one of the signatories for the Club bank accounts.
- (6) The Registrar shall:
 - (a) Maintain a current register of member's vehicles registered under a NSW Conditional Registration Scheme.
 - (b) Inspect, approve or reject applications from members to register their vehicles on NSW Conditional Registration Schemes.
 - (c) Enforce the rules applying to all NSW Conditional Registration Schemes, and where applicable, the periodic inspection of log books.
 - (d) Certify and affix the Club stamp to applications for conditional registration that comply with RMS rules and regulations.
 - (e) To assist and advise vehicle owners of the rules and regulations applicable to NSW Conditional Registration Schemes.
- (7) The Committee may by resolution re-allocate part of the duties of any office bearer to another office bearer for a period of not more than 12 months where this is in the interests of the Club and supports the efficient operation of the Committee.

18. Election of Committee Members

- (1) Nominations of candidates for election as office-bearers of the Club or as ordinary Committee members:
 - (a) must be made in writing, signed by 2 members of the Club 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 Club 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 committee members of the Committee is to be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the Committee must be a member of the Club.

- (8) Up to two Social Membership category members may be elected to the Committee but may not be elected to the position of President.

19. Casual Vacancies

- (1) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, subject to this Constitution, until the Annual General Meeting next following the date of the appointment.
- (2) 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 Club, or
 - (c) is or 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 clause 20, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the Committee from 3 consecutive meetings of the committee, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

20. Removal of Committee Members

- (1) The Club, 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 subclause (1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Club, the Secretary or the President may send a copy of the representations to each member of the Club 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.

21. Committee Meetings and Quorum

- (1) The committee must meet at least 4 times in each period of 12 months at the place and time that 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 any other period that 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 subclause (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 5 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 at a time and date to be determined by the Secretary.
- (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.

22. Delegation by Committee to Sub-Committee

- (1) The Committee may, by instrument in writing, delegate to one or more Sub-Committees (consisting of the member or members of the Club that the Committee thinks fit) the exercise of any of the functions of the Committee that 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 clause 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 clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances that may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, 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 clause 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 clause.
- (7) A Sub-Committee may meet and adjourn as it thinks proper.

23. 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 clause 21 (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 Meetings

24. Annual General Meetings – Holding Of

- (1) The Club must hold its Annual General Meetings within 6 months after the close of the Club's financial year, or within any later time that may be allowed or prescribed under Section 37 (2) (b) of the Act.

25. Annual General Meetings - Calling of and Business At

- (1) 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 President a report on the activities of the during the last preceding financial year,
 - (c) to elect office-bearers of the Committee and Ordinary Committee Members,

- (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
 - (e) Fixing of fees for the following year.
- (2) An Annual General Meeting must be specified as that type of meeting in the notice convening it.

26. Special General Meetings - Calling Of

- (1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.
- (2) The Committee must, on the requisition of at least 10% of the total number of ordinary members, convene a Special General Meeting of the Club.
- (3) A requisition of members for a Special General Meeting:
 - (a) must be in writing, and
 - (b) must state the purpose or purposes of the meeting, and
 - (c) must be signed by the members making the requisition, and
 - (d) must be lodged with the Secretary, and
 - (e) 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 28 days after the 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 90 days after that date.
- (5) A Special General Meeting convened by a member or members as referred to in sub clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- (6) A Special General Meeting must be specified as that type of meeting in the notice convening it.

27. General Meetings

The Club will hold General Meetings on a regular schedule as determined by the Committee, with a minimum of four (4) General Meetings in the Club's financial year.

28. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least 14 days but not more than 28 days before the date fixed for the holding of the general meeting, give a notice (including by electronic means), 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 Club, the Secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice (including by electronic means), to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a Special General Meeting is to be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted under clause 25(1).
- (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.

29. Quorum for General Meetings

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

- (2) 15 members present (being members entitled under this Constitution 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 time in the following week and 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 meeting is to be dissolved.

30. 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 Club.
- (2) If the President and the Vice-President are absent or unwilling to act, the members present must elect a member of the Committee present to preside as chairperson at the meeting.

31. 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 notice (including by electronic means), of the adjourned meeting to each member of the Club 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 subclauses (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.

32. Making of decisions

- (1) A motion arising at a general meeting of the Club is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the motion is to be determined by a show of hands, 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 Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the motion is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

33. Special resolutions

A special resolution may only be passed by the Club in accordance with Section 39 of the Act.

34. Voting

- (1) On any question arising at a general meeting of the Club, a member has one vote only.
- (2) 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.
- (3) A member is only entitled to vote at any general meeting of the Club if he or she is a current financial member or Life Member.
- (4) A member is not entitled to vote at any general meeting of the Club if the member is under 18 years of age.

35. Proxy votes not permitted

Proxy voting is not permitted at or in respect of any general meeting.

36. Postal ballots or Electronic Ballots

- (1) The Club may hold a postal or electronic ballot to determine any issue or proposal (other than an appeal under clause 14).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 of the Regulation.

Part 5 – Miscellaneous

37. Amendments to the Constitution

- (1) Amendments to the Constitution may only be in the form of a special resolution at an Annual General Meeting or Special General Meeting of the Club.
- (2) Approval of a special resolution to amend the Constitution shall require the support of three-quarters of the members present at the meeting.

38. Insurance

The Club may effect and maintain insurance.

39. Funds - Source

- (1) The funds of the Club are to be derived from joining fees and annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the Committee determines.
- (2) All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank or other authorised deposit-taking institution account.
- (3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

40. Funds - Management

- (1) Subject to any resolution passed by the Club at a general meeting, the assets and income of the Club shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the Club except as genuine compensation for services rendered or expenses incurred on behalf of the Club.
- (2) The Committee is empowered to authorise payment of recurring and any unexpected expenditure up to a maximum amount per transaction approved by members at an Annual General Meeting. All unexpected expenditure is to be reported to members at the next general meeting of the Club.
- (3) All cheques, drafts, bills of exchange, promissory notes, electronic bank payments and other negotiable instruments must be signed or authorised by any 2 members of the Committee authorised to do so.

41. Change of Name, Objects and Constitution

Any application for registration of a change in the Club's name, Objects or Constitution in accordance with Section 10 of the Act is to be made by the Public Officer or Secretary.

42. Custody of Books, Etc

Except as otherwise provided by this Constitution, the Secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the Club.

43. Inspection of Books Etc

- (1) The following documents must be open to inspection, free of charge, by a member of the Club at any reasonable hour:
 - (a) records, books and other financial documents of the Club,
 - (b) this Constitution,
 - (c) Minutes of all committee meetings and general meetings of the Club.
- (2) A member of the Club may obtain a copy of any of the documents referred to in sub clause (1) on payment of a fee of not more than \$1 for each page copied.

44. Service of Notices

- (1) For the purpose of this Constitution, 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 electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

45. Financial Year

The financial year of the Club is each period of 12 months after the expiration of the previous financial year of the Club, commencing on 1 July and ending on the following 30 June.

46. Winding Up of the Club

In the event of the winding up of the Club, a special resolution must be passed that:

- (1) approves the cancellation of its registration, and
- (2) determines that all assets that remain after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes, which is a not for profit organisation, and which has rules prohibiting the distribution of its assets and income to its members.

47. By Laws

This Constitution shall adopt By-Laws for the guidance and good governance of the Club. Such By-Laws may only be approved or amended by a motion passed at a General Meeting of the Club.

48. Club is non-profit

Subject to the Act and the Regulation, the Club must apply its funds and assets solely in pursuance of the objects of the Club and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

APPENDIX 1



Sapphire Coast Historic Vehicle Club Inc

PO Box 219, Pambula. NSW. 2549

APPLICATION FOR MEMBERSHIP

I,

.....
(Full Name of Applicant)

of,

.....
(Mailing Address)

.....
(Postcode)

.....
(Email)

.....
(Phone)

.....
(Occupation)

.....
Wife/Partners Name:

Hereby apply for membership of the Sapphire Coast Historic Vehicle Club Inc. On becoming a member, I agree to abide by the rules of the Club applicable during the period of my membership. I agree/do not agree (underline as appropriate), to the Club making my contact details available to other Club members.

Signature:

Date:

I,, being a current financial member of the Sapphire Coast Historic Vehicle Club Inc, **Nominate** the applicant, who is personally known by me, for membership of the Club.

Signature:

Date:

I,, being a current financial member of the Sapphire Coast Historic Vehicle Club Inc., **Second** the nomination of the applicant, who is personally known by me, for membership of the Club.

Signature:

Date:

If Applicable - Details of Applicant's Historic Vehicle(s)

Make

Year of Manufacture

Model

Restored/Unrestored

.....

.....