

VICTORIAN KARTING ASSOCIATION INCORPORATED

TRADING AS “KARTING VICTORIA”

REGISTRATION NO. A0013837D

STATEMENT OF PURPOSES AND RULES

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RULES

1. Name and Purposes

- (1) The name of the incorporated association is the Victorian Karting Association Incorporated trading as “Karting Victoria” (in these Rules called “the Association”).
- (2) The purposes of the Association are:
 - A. To promote and protect the sport of karting.
 - B. To promote and protect excellence and just and honourable practices in the sport of karting and to suppress malpractice.
 - C. To promote or organise karting meetings and other functions for members.
 - D. To do all acts which, in the opinion of the Association, are for the general benefit of members and/or karting.

2. Definitions and Interpretation

- (1) In these Rules, unless the contrary intention appears –
 - “**Act**” means the *Associations Incorporation Reform Act 2012*;
 - “**Council**” means the Council of management of the Association in accordance with Rule 23;
 - “**financial year**” means the year ending on 30 June;
 - “**general meeting**” means the general meeting of members convened in accordance with Rule 12;
 - “**member**”: means a member club of the Association;
 - “**Regulations**” means regulations under the Act.
- (2) Words denoting any one gender shall include the other gender and words denoting the singular shall include the plural and vice-versa.

3. Alteration of the rules

These Rules may only be altered by special resolution of a general meeting of the Association.

4. Membership, entry fees and subscription

- (1) Any club organised to promote or foster the sport of karting and which applies and is approved for membership as provided in these rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these Rules.
- (2) A club which is not a member of the Association at the time of the incorporation of the Association (or which was a member at that time but has ceased to be a member) must not be admitted to membership unless -
 - (a) it applies for membership in accordance with sub-rule (3); and
 - (b) the admission as a member is approved by the Council.
- (3) An application of a club for membership of the Association must –
 - (a) be made in writing to the Council of the Association in the form set out in Appendix 1; and
 - (b) be lodged with the State Administrator of the Association.
- (4) As soon as practicable after the receipt of an application, the State Administrator must examine the operations and facilities of the applicant club and prepare a report for the next meeting of the Council and refer the application to the Council.
- (5) The Council must determine by a two-thirds majority of the delegates present and the voting whether to approve or reject the application.
- (6) If the Council approves an application for membership, the State Administrator must, as soon as practicable -
 - (a) notify the applicant in writing of the approval for membership; and
 - (b) request payment within 28 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's annual subscription.
- (7) Any club admitted to membership under this clause after October 1996 will not be eligible to have allocated to it a race meeting until such time as it has established a track and facilities which have been inspected and passed pursuant to the rules of Karting Australia Ltd (formerly the Australian Karting Association Incorporated) ("KAL").

- (8) The State Administrator must, within 14 days after receipt of the amounts referred to in subrule (6), enter the applicant's name in the register of members.
- (9) An applicant for membership becomes a member and is entitled to exercise the rights of membership when its name is entered in the register of members.
- (10) If the Council rejects an application, the State Administrator must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (11) A right, privilege, or obligation of a person by reason of membership of the Association -
 - (a) is not capable of being transferred or transmitted to another person or club; and
 - (b) terminates upon the cessation of membership whether by resignation or otherwise.
- (12) The entrance fee is \$1000.
- (13) The annual subscription is to be determined by the Council and is payable in advance on or before 1 July in each year.

5. Register of members

- (1) The Secretary must keep and maintain a register of members containing –
 - (a) the name and address of each member;
 - (b) the date on which each member's name was entered in the register;
 - (c) for each former member, the date of ceasing to be a member.
- (2) The register must be available for inspection and copying by members upon request, at a reasonable time and free of charge.
- (3) Information about a former member who is no longer a member of the Association, other than the name of the member and the date on which the former member ceased to be a member of the Association, must be removed from the register of members within 14 days after the former member ceases to be a member of the Association.

6. Ceasing membership

- (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving notice in writing to the State Administrator of its intention to resign.
- (2) After the expiration of the period of notice referred to in the notice of resignation referred to in sub-rule (1), or 30 days, (whichever is the lesser) -
 - (a) the member ceases to be a member, and
 - (b) the State Administrator must record in the register of members the date on which the member ceased to be a member.
- (3) A member of the Association who fails to pay the annual subscription payable by a member to the Association within 30 days after notification in writing by the State Administrator to the member that its subscription is overdue ceases to be a member from the date of the expiration of the 30 day period and the State Administrator must record in the register of members the date on which the member ceased to be a member.

7. Expulsion and suspension of members

- (1) Subject to these Rules, the Council may by resolution –
 - (a) expel a member from the Association;
 - (b) warn a member that it may be expelled;
 - (c) suspend a member from membership of the Association for a specified period; or
 - (d) fine a member an amount not exceeding \$500.00;if it is determined that a member -
 - (i) has refused, failed or neglected to comply with these Rules; or
 - (ii) refuses to support the purposes of the Association; or
 - (iii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- (2) Prior to passing a resolution under sub-rule (1) (“the proposed resolution”) the President must put a motion that the member be called upon to explain its conduct to the Council.
- (3) If that motion is carried by a simple majority of those present and voting –
 - (a) the proposed resolution must be adjourned to a further Council meeting not less than 14 days from the date that the motion was carried;

- (b) the State Administrator must, as soon as practicable, cause to be served on the member named in the motion at its contact address in the register of members, a notice in writing.
- (4) The notice must –
 - (a) set out the proposed resolution of the Council and the grounds on which it is based;
 - (b) state that one or more of the members of the member club may address the Council at a meeting to be held not earlier than 14 days after service of the notice;
 - (c) state the date, place and time of that meeting;
 - (d) inform the member that it may do one of the following –
 - (i) have one or more of its members attend that meeting for the purposes of giving oral or written evidence or submissions to the Council;
 - (ii) give to the Council before the date of that meeting a written statement seeking the revocation of the proposed resolution.
- (5) At a meeting of the Council held in accordance with sub-rules (2) and (3) the Council must–
 - (a) give the member club, if represented by one or more of its members, an opportunity to be heard;
 - (b) give due consideration to any written document submitted by the member; and
 - (c) determine by resolution whether to confirm or to revoke the resolution.
- (6) A resolution of the Council under sub-rule (5) (c) is confirmed if, at the meeting of the Council, not less than two-thirds of the delegates and office bearers vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.
- (7) A decision of the Council in accordance with the procedures set out above is final and no appeal to a general meeting is permitted.
- (8) The powers contained in this rule are separate from powers exercised by the Council under the competition regulations of the Board of KAL.
- (9) If the nature of the conduct under sub-rule (1) reasonably requires that the Council not hear and determine the proposed resolution since it may not be an unbiased decision-maker within the meaning of section 54 of the Act, then the Council is authorised to appoint a disciplinary sub-committee of no fewer than 3 persons to act as an unbiased decision-maker and follow the

procedures in sub-rules 7(1) to (7) above as if the word ‘Council’ wherever it appears therein is read to refer to the disciplinary sub-committee so appointed.

8. Disputes

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between-
 - (a) a member and another member; or
 - (b) a member and the Association.

- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

- (3) If the parties are unable to resolve the dispute at the meeting or if a party fails to attend that meeting, the parties must, within 10 days, hold a meeting in the presence of a mediator.

- (4) The mediator must be –
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement –
 - (i) in the case of a dispute between a member and another member, the Council of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a member of the Dispute Settlement Centre of Victoria (Department of Justice).

- (5) A member of a member club of the Association can be a mediator.

- (6) The mediator cannot be a member of a member club which is a party to the dispute.

- (7) This rule provides for resolution of a dispute by mediation. Under section 67 of the Act, application may be made to the Magistrates’ Court for an order declaring and enforcing rights or obligation of members between themselves, or of the Association and a member between themselves. The Court may refuse to make an order for costs, if the Court is of the opinion that the application is unreasonable or the issue trivial.

9. Annual general meetings

- (1) An annual general meeting of the Association must be held –
 - (a) at least once in each calendar year; and,
 - (b) within 5 months after the end of the financial year of the Association.

- (2) The notice convening the annual general meeting must –
 - (a) specify that the meeting is an annual general meeting; and
 - (b) be sent at least sixty (60) days prior to the date of the annual general meeting.

- (3) The ordinary business of the annual general meeting shall be –
 - (a) to receive the President’s report;
 - (b) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting;
 - (c) to receive and consider reports upon the transactions of the Association during the last preceding financial year;
 - (d) to elect officer-bearers of the Association;
 - (e) to receive and consider the statement submitted by the Association in accordance with section 101(1) of the Act; and
 - (f) to appoint an auditor.

- (4) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. Special general meetings

- (1) In addition to the general meeting, any other general meetings may be held in the same year.
- (2) All general meetings other than the annual general meeting are special general meetings.
- (3) A special general meeting of the Association must be called if the President or four members request one.
- (4) It is not necessary to hold a special general meeting in any year unless it is requested under sub-rule (3).
- (5) The request for a special general meeting must -
 - (a) state the objects of the meeting;
 - (b) be signed by the members requesting the meeting; and
 - (c) be sent to the address of the State Administrator.

- (6) The only business which may be considered at a special general meeting is that set out in the notice of meeting.

11. Special business

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting except for business conducted under the Rules as ordinary business of the annual general meeting, is deemed to be special business.

12. Notice of general meetings

- (1) The State Administrator, at least 60 days before the date fixed for holding a general meeting of the Association, must cause to be sent by prepaid post to each member of the Council and to each member of the Association at the address appearing in the register of members, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (2) No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- (3) A member intending to bring any business before a meeting may notify in writing the State Administrator of that business, who must include that business in the notice calling the next general meeting after the receipt of the notice.
- (4) If any special resolution has been proposed, the text of any such motion and a statement that it is intended at the meeting to propose the motion as a special resolution must be delivered to each member of the Council and each member of Association at the address appearing in the Register of Members not less than 21 days before the date fixed for holding the general meeting.
- (5) A notice which is posted and correctly addressed, unless the contrary is proved, is deemed to have been given to the addressee at the time at which the letter would have been delivered in the ordinary course of post.

13. Quorum at general meetings

- (1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (2) Seven delegates and one office bearer personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct 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 -
 - (i) in the case of a meeting convened upon the request of members – the meeting must be dissolved; and
 - (ii) in any other case – the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.

14. Presiding at general meetings

- (1) The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Association.
- (2) If the President and the Vice-President are absent from a general meeting, the members present must select one of their number to preside as Chairperson.
- (3) The person presiding does not have a casting vote.

15. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12.
- (4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. Voting at general meetings and Council meetings

- (1) Upon any question arising at a general meeting of the Association the voting rights of each member are as prescribed in these Rules.
- (2) All votes must be given personally or by proxy.
- (3) The Association will permit members to take part in its general meetings by using technology that allows members to clearly and simultaneously communicate with each other participating member. Any member who attends under this sub-rule is taken to be present at the meeting and if the member votes, to have voted in person.

17. Voting rights

- (1) The number of votes to which a club member is entitled:
 - (a) at Council meetings; and
 - (b) at general meetings -

on any resolution, except one required by the Act to be a special resolution (which includes changes to the Rules and a change of name) is determined on the basis of the number of KAL licensed drivers who are members of that member club, as follows:

Number of KAL Licensed Drivers	Number of Votes
0-10	0
11-50	1
51-150	2
151-500	3
More than 501 drivers	4

- (2) If a special resolution is proposed at a general meeting each member club which has twenty (20) or more KAL licence drivers has one (1) vote.
- (3) The vote or votes of a member club at a Council meeting or a general meeting may be exercised by the senior delegate of the club present, or if he is not present, by the junior delegate. The senior delegate is the delegate first appointed by the member club, and, if both delegates are appointed at the same time, is the person who has been a member of the member club for a longer time.

18. Decisions at general meetings

- (1) All decisions at general meetings other than:
 - (a) a resolution to alter the name, the Statement of Purposes or the Rules of the Association; or
 - (b) any other resolution required by the Act to be a special resolution – are to be decided by a simple majority of the votes exercised.
- (2) Any decisions referred to in Rule (1) (a) and (b) must be decided by special resolution.

19. Poll at general meetings

- (1) If at a meeting a poll on any question is demanded by not less than 3 delegates or office bearers, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be at such time before the close of the meeting as the Chairperson may direct.

20. Manner of determining whether resolution carried

If a question at a general meeting of the Association is determined on a show of hands -

- (a) a declaration by the Chairperson that a resolution has been -
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or
 - (iv) lost; and

- (b) an entry to that effect in the minute book of the Association – is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

21 Proxies

- (1) A person who has been nominated in writing by a member club as delegate to the Council of the Association prior to the commencement of the meeting is deemed to be a representative of the Association at a general meeting.

- (2) A member club may appoint a proxy to attend a general meeting, but a proxy may not exercise any vote unless both of the delegates of the member club are absent.

- (3) The notice appointing the proxy must be in the form set out in Appendix 2.

22. Special resolutions

As prescribed by section 64 of the Act, a special resolution is a resolution agreed to by at least three quarters of the representatives (delegates or proxies) of members who are present and entitled to exercise a vote, and vote on the resolution at a general meeting of which notice has been given in accordance with Rule 12 (4).

23. Council

- (1) The affairs of the Association shall be managed by the Council.
- (2) The Council -
 - (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these Rules, the Act, the Regulations, and any resolution of the members in general meeting, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and
 - (c) subject to these Rules, the Act, the Regulations, and any resolution of the members in general meeting, has power to perform all such acts and things as appear to the Council to be essential for the proper management of the business and affairs of the Association, including the making of by-laws for the better management of the sport of karting not inconsistent with these Rules.
- (3) The Council shall consist of -
 - (a) the office bearers of the Association; and
 - (b) two delegates from each member club -
each of whom shall be nominated by their member club.

24. Office bearers

- (1) The office bearers of the Association (hereinafter referred to collectively as 'the Executive') shall be -
 - (a) a President;
 - (b) a Vice-President;
 - (c) a Treasurer; and
 - (d) a Secretary (as defined in section 3 of the Act).
- (2) The provisions of rule 25, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule (1).

- (3) The office bearers –
 - (a) are responsible for the day to day administration of the Association between Council meetings;
 - (b) may, on behalf of Council, make any decision which cannot be delayed until the next Council meeting; and
 - (c) must report to the Council at each monthly meeting.
- (4) An officer bearer may be removed from office during his term by a special resolution at a general meeting.
- (5) The President will act as Executive Commissioner of the Association or in his absence a member of the Executive will act as Executive Commissioner.
- (6) The Executive will appoint a State Administrator and may enter into a services contract on behalf of the Association with the person appointed as State Administrator for a term of up to three (3) years, renewable for additional terms of up to three (3) years each. The secretarial and administrative duties of the Association will be carried out by the State Administrator, including maintenance of registers, to the extent permitted by the Act. The State Administrator will be entitled to attend meetings of the Council or the Executive and be heard but shall not have eligibility to vote in that capacity.

25. Election of office bearers

- (1) The delegates of member clubs present at the annual general meeting shall elect the President, Secretary and Vice-President.
- (2) Each office bearer must at the time of election or appointment be a member of a member club of the Association.
- (3) If a person elected or appointed as an office bearer is at the time of election or appointment a delegate of a member club, that person ceases to be a delegate on election or appointment, and the member club must appoint another person to be a delegate in his place.
- (4) Nominations of candidates for election as Treasurer of the Association must be -
 - (a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination);
 - (b) the Executive will endorse a candidate to fill the position of Treasurer, such endorsement to be included in the notice of the annual general meeting sent to members under rule 12 herein;

- (c) any other eligible candidate who nominates must provide notice of their nomination by no later than 30 June preceding the date fixed for the holding of the annual general meeting at which the position of Treasurer is to be elected;
 - (d) the Executive will notify any candidate under sub-rule 24(4)(c) within 30 days whether their nomination has been endorsed by the Executive and if not, have referred their nomination to the Endorsement Committee under rule 25(11) herein. Any candidate endorsed by the Endorsement Committee will have such endorsement included in the notice of the annual general meeting sent to members under rule 12 herein;
 - (e) any candidate not endorsed under this rule will be ineligible to stand for the position of Treasurer for that year only and must be endorsed to be eligible for any following year.
 - (f) The Treasurer is elected for a two year term.
- (5) The offices of State track inspector, technical co-ordinator, stewards' co-ordinator and scrutineer co-ordinator are elected annually at the annual general meeting.
- (6) A member of a member club may be nominated for more than one position, but if elected to more than one must immediately choose which one he wishes to accept. The person who received the next most votes for any previous position which he chooses not to accept will be declared the winner or, if the persons who received the next most votes are tied, a further run-off election between them will be held. Any person elected to a position at the annual general meeting is ineligible to be nominated for election as Secretary or Treasurer.
- (7) Nominations of candidates for election as President, Secretary or Vice-President of the Association or a position under sub-rule 25(5) herein must be -
- (a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) delivered to the State Administrator of the Association not less than fourteen days before the date fixed for the holding of the annual general meeting.
- (8) If insufficient nominations are received to fill all vacancies on the Council, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.

- (9) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (10) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (11) The Endorsement Committee will be made up of the following members -
 - (a) the President of the Association or the Vice-President of the Association to avoid a conflict of interest if the President is a candidate for the position concerned;
 - (b) an externally engaged independent consultant with suitable experience in the field of human resources and employment;
 - (c) one or more persons co-opted by the other members.
- (12) Decisions of the Endorsement Committee may be made unanimously or by a majority and will remain in the strictest confidence.

26. Vacancies

- (1) The office of an office bearer of the Association becomes vacant if the office bearer -
 - (a) reaches the end of his term of office, unless re-elected or re-appointed;
 - (b) resigns from office by notice in writing given to the State Administrator;
 - (c) is absent without leave from all meetings of the Council held in the period of three months.
 - (d) dies, is made bankrupt or has a guardian appointed to his/her affairs.
- (2) The office of a delegate member of the Council becomes vacant if –
 - (a) the delegate resigns from the office by notice in writing given to the State Administrator;
 - (b) a new delegate is nominated to replace him;
 - (c) the club of the delegate ceases to be a member of the Association; or
 - (d) dies, is made bankrupt or has a guardian appointed to his/her affairs.

27. Filling Vacancies

- (1) A casual vacancy in the office of an office bearer of the Association must be filled at the first Council meeting after the vacancy arises.

- (2) A person nominated to fill a casual vacancy must be a delegate or office bearer at the time of nomination.
- (3) A casual vacancy arising in the number of delegates on the Council must be filled by the member club of which the retiring delegate is a member.

28. Proceedings of the Council

- (1) An ordinary Council meeting is held once each month.
- (2) Special meetings of the Council may be convened by the President or by any four members of the Council.
- (3) Notice must be given to members of the Council of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.
- (4) Questions arising at a meeting of the Council, or at a meeting of any sub-Council appointed by the Council, shall be determined on a show of hands or, if a member of the Council requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (5) Each delegate appointed under rule 23(3)(b) present at a meeting of the Council is entitled to one vote. Any person appointed to a sub-committee by the Council is entitled to a vote at meetings of that sub-committee.
- (6) Any member of a member club is entitled to attend and speak, but not to vote at any Council meeting, but if two-thirds of the Council members present vote to close all or part of the meeting, all persons who are not Council members must leave the meeting.
- (7) Any committee of the Association (including the Council) may hold meetings, or permit members of the committee to participate in meetings, by using any technology that allows members to clearly and simultaneously communicate with each other participating member. A member of the committee who participates in a meeting in a manner permitted under this sub-rule is taken to be present at the meeting.
- (8) Any member of the Council who has a material personal interest in a matter being considered at a meeting of the Council must, as soon as the member becomes aware of such interest, disclose the nature and extent of that interest to the Council and follow the processes laid out under sections 80 and 81 of the Act accordingly.

29. Quorum for Council meetings

- (1) One half of the total membership of the Council present, or, where that number is not a whole number the next whole number above that number, constitute a quorum for the conduct of the business of a meeting of the Council.
- (2) A person who has been nominated in writing by a member club as a delegate to the Council of the Association prior to the commencement of the Council meeting is deemed to be a representative of the Association at a Council meeting.
- (3) A member club may appoint a proxy in writing to attend a Council meeting, but a proxy may not exercise any votes unless both of the delegates of the member club are absent.
- (4) No business may be conducted unless a quorum is present.
- (5) If within half an hour of the time appointed for the meeting a quorum is not present –
 - (i) in the case of a special meeting – the meeting lapses;
 - (ii) in any other case – the meeting shall stand adjourned to the same place and the same time and day in the following week.

30. Presiding at Council meetings

- (1) At meetings of the Council –
 - (a) the president or, in the President's absence, the Vice-President presides; or
 - (b) if the President and the Vice-President are absent, the membership present must choose one of their numbers to preside.

31. Notice of Council meetings

- (1) Written notice of each Council meeting must be served on each member of the Council by delivering it to the person at least one week before the meeting or by sending it by email to an email address notified by that Council member at least one week before the meeting or by sending it by prepaid post addressed to him or her at his or her address shown in the register of members at least one week and two business days before the date of the meeting.
- (2) Subject to rule 29, the Council may act notwithstanding any vacancy on the Council.
- (3) If it is agreed by a simple majority of votes of members of the Council, a Council meeting may be held within a period of notice less than the set out in sub-rule (1).

32. Decisions at Council meetings

- (1) All decisions at Council meetings except a decision to
 - (a) close a meeting to persons who are not members of Council; or,
 - (b) a decision to discipline a member; or,
 - (c) a decision under sub-rule 33(1);are made by a simple majority of the votes exercised, unless provided otherwise under the Act.
- (2) The person presiding does not have a casting vote.

33. Removal of a Council member

- (1) The Association in general meeting may, by special resolution, remove any member of the Council before the expiration of the person's term of office and appoint another person in his or her place to hold office until the expiration of the term of the first-mentioned person.
- (2) A person who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the State Administrator or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (3) The State Administrator or the President may send a copy of the representations to each member of the Association or, if they are not so sent, the person may require that they be read out at the meeting.

34. Minutes of meetings

- (1) The State Administrator of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each Council meeting, together with a record of the names of persons present at Council meetings.
- (2) If requested by a member, the Secretary must permit that member at a reasonable time to inspect-
 - (a) the rules of the Association;
 - (b) minutes of general meetings of the Association.

- (3) The Secretary must give a member of the Association a copy of anything referred to in sub-rule (2) within 14 days if the member-
- (a) makes a written request for the copy; and
 - (b) pays the prescribed fee (if any).

35. Funds

- (1) The Treasurer of the Association must –
- (a) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association;
 - (b) prepare monthly reports for consideration by the Council;
 - (c) manage and control a petty cash account; and
 - (d) prepare -
 - (i) reports upon the transactions of the Association during the last proceeding financial year, and
 - (ii) the statement in accordance with section 101(1) of the Act - for approval by the Council before the annual general meeting
- (2) All monies received by the Association must be deposited in a bank account or accounts in the name of the Association.
- (3) All payments from the account or accounts must be by cheque, Electronic Funds Transfer or credit card.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two persons who are office bearers or other persons appointed by the Council from time to time for that purpose.
- (5) The funds of the Association shall be derived from entrance fees, annual subscriptions, licence fees, meeting permits, fines, donations and such other sources as the Council determines.

36. Seal

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by a resolution of the Council and the affixing of the common seal must be attested by the signatures of two members of the Council.

37. Service of documents

A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the address shown in the register of members.

38. Winding up

- (1) In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.
- (2) Subject to sub-rule (1), any surplus assets remaining on the dissolution of the Association must be transferred to any organisation or organisations formed for the promotional organisation of the sport karting in Victoria, such organisation or organisations to be decided by the members in general meeting or, in the absence of such decision, by the Registrar of Incorporated Associations.

39. Custody and inspection of books and records

- (1) Except as otherwise provided in these Rules, the Secretary will keep custody of the books and records of the Association, including the Minute Books and register of members, except for all financial records which the Treasurer must keep in his or her custody or under his or her control in accordance with rule 35(1).
- (2) Any request by a member for restriction of access to personal information pursuant to section 59 of the Act will be directed to the Secretary and dealt with in accordance with section 59.
- (3) Any request by a member to inspect any documents of the Association not listed under sub-rule 34(2) herein, including the financial records, books, securities and minutes of Council meetings, will be considered by the Council. The Council may refuse to permit a member to inspect such records, including where such records relate to confidential, personal, employment, commercial or legal matters, or where to permit access might be prejudicial to the interests of the Association.

40. Policy on Improper or Inappropriate Material

- (1) Any two members of the Executive may request a member or any person associated with a member to take reasonable steps to remove immediately from publication (whether electronic or otherwise) any material which is in their opinion offensive, improper, inappropriate, discriminatory or which may bring the Association or its officers, or any of its members (or their members) into disrepute.
- (2) If the member fails to respond to a request under sub-rule (1) in a timely manner, including taking reasonable steps under its own rules to require one of its own members to take action to ensure compliance with such request, then such failure will be deemed a failure to comply with these rules under rule (7.1)(d)(i) herein. This rule does not affect in any way the rights of the Association to take steps against an individual under the rules of KAL.
- (3) The Council may from time to time determine guidelines to assist the Executive to form an opinion under sub-rule (1).
- (4) Any Executive Member who takes any action under rule 40(1) herein will report to the Council in a timely manner what action was taken and why and any outcome.

APPENDIX 1

**APPLICATION FOR MEMBERSHIP OF KARTING VICTORIA
("THEASSOCIATION") – REGISTRATION NO.A00138371**

....., (hereafter "the Applicant") desires to
(name of club)

become a member of.....
(name of the Association)

In the event of admission as member, the Applicant agrees to be bound by the rules of the Association for the time being in force.

.....
Signature of Secretary of the Applicant

Date:.....

I,.....a Secretary of a member club of the
(name)
Association ("the Proposer"), nominate the Applicant, which is personally known to me,
For membership of the Association.

.....
Signature of Secretary of the Proposer

Date:.....

I,.....a Secretary of a member club of the
(name)
Association ("the Seconder"), nominate the Applicant, which is personally known to me,
for membership of the Association.

.....
Signature of Secretary of the Seconder

Date:.....

APPENDIX 2

FORM OF APPOINTMENT OF PROXY

.....
(name of club)

of.....
(address)

being a member of.....
(name of Incorporated Association)

appoint.....
(name of proxy holder)

of.....
(address of proxy holder)

being a member of a member club of the Karting Victoria (“the Association”), as my proxy to vote on my club’s behalf at the annual/special* general meeting of the Association to be held on.....and any adjournment of that meeting.
(date of meeting)

The proxy is authorised to vote in favour of/against* the following resolution (insert details of resolution)

.....
Signature of secretary/executive member
of the member club

Date:.....

*Delete if not applicable

