



SupermotoWA Inc. RULES

(30th November 2020)

1. NAME

The name of the Association/Club is SupermotoWA Inc. hereinafter referred to as the "Association" or "Club".

2. OBJECTS

The objects of the Association are:

- 2.1 To provide a safe and fun environment for riding Supermoto, Mini-Motard and Postie bikes, collectively called Supermoto.
- 2.2 To keep and support family orientation;
- 2.3 To aim to provide venues for safe and responsible riding;
- 2.4 To promote the sport of Supermoto riding;
- 2.5 To promote the riding of Supermoto in a lawful manner; and
- 2.6 To attain a level to meet existing associations nationally

The Association shall be empowered to do all things necessary for or incidental to the attainment of the objects of the Association.

3. PROPERTY OF THE ASSOCIATION (NOT FOR PROFIT CLAUSE)

- 3.1 The Association must apply all property and income of the association towards the promotion of the objects or purposes of the association. No part of that property or income to be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes; and
- 3.2 Moneys spent, over and above, available funds to be reimbursed at the earliest opportunity and receipts to be tendered.

4. POWERS OF THE ASSOCIATION

- 4.1 To acquire, hold, deal with, and dispose of any real or personal property;
- 4.2 To open and operate bank accounts;
- 4.3 To invest its money –
 - (i) in any security in which trust moneys may be invested; or
 - (ii) in any other manner authorized by the rules of the Association;
- 4.4 To borrow money upon such terms and conditions as the Association thinks fit;
- 4.5 To give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- 4.6 To appoint agents and employees to transact any business of the Association on its behalf for reward or otherwise;
- 4.7 To build, construct, erect, maintain, alter, and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Association;
- 4.8 Accept sponsorship, donations and gifts in accordance with the objects of the Association;

- 4.9 Print and publish any information by any media including on-line, newsletters, newspapers, articles, or leaflets for the promotion of the Association;
- 4.10 Provide gifts and prizes in accordance with the objects of the Association;
- 4.11 Organize social events for Members and the promotion of the Association; and
- 4.12 To enter into any other contract the Association considers necessary or desirable.

5. MEMBERSHIP

- 5.1 Membership shall be open to any person who wishes to further the interests of the association.
- 5.2 Membership will open on 1st December each year.
- 5.3 Membership terms are from when the member joins until 30th November the following year unless section 5.11 applies.
- 5.4 Any person seeking membership shall make application to the Management Committee using the Ridernet application, the Management Committee shall determine whether the application is successful or not.
- 5.5 Each person admitted to membership shall be;
 - 5.5.1 Bound to the Rules and Regulations of the Association.
 - 5.5.2 Come liable for such fees and subscriptions as may be fixed by the Association.
 - 5.5.3 Entitled to all advantages and privileges of membership as outlined in 5.6.
- 5.6 Membership Categories and subscriptions and volunteering levy:
Memberships will open on 1st December each year.
 - 5.6.1 FULL MEMBER \$100
Any person who is a financial member of the Association is entitled to hold any office and enjoy the privileges of the Association
 - 5.6.2 SEASON MEMBER \$60
This membership entitles a member to ride in all events during the period of the Summer or Winter season (nominally 1st December to 30th May or 1st June to 30th November). Any person who is a financial member of the Association is entitled to hold any office and enjoy the privileges of the Association for the period of their membership. Members who purchase a Summer season membership will be entitled to pay an additional \$40 for an annual membership.
 - 5.6.3 JUNIOR MEMBER \$20
Any person under the age of 16 years may become a junior member. Junior Members shall have no voting rights nor be entitled to hold any office.
 - 5.6.4 FAMILY MEMBER \$120
Any family (one adult and two children under the age of 16 years) may become family members. The adult member is entitled to hold any office and have single voting rights.
 - 5.6.5 ANNUAL PRACTICE ONLY MEMBER \$55
Any person who is a financial member of the Association is entitled to hold any office and enjoy the privileges of the Association, but who do not wish to participate in competitive playing activities of the Association
 - 5.6.6 SOCIAL MEMBER \$20
Persons other than ordinary members who are interested in promoting the Association, but who do not wish to participate in the playing activities of the Association, may become a Social Member.
 - 5.6.7 STATES/NATIONALS MEMBER \$30
Any person who is a financial member of the Association for one racing event shall have no voting rights nor be entitled to hold any office.
 - 5.6.8 ONE EVENT MEMBER \$30
Is entitled to participate in a single event (practice or event) shall have no voting rights nor be entitled to hold any office.

5.6.9 VOLUNTEER LEVY

Practice events will now be charged at \$55 for all members. The additional \$5 per member per event will go towards paying \$100 for a Clerk of Course to run Practice events.

5.7 AFFILIATED CLUBS

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

5.8 The membership registry including e-mail addresses is available to financial members given seven (7) days' notice to the Club Secretary, on the provision of a Statutory Declaration stating that the registry will not be used for the purposes of business promotion or other harassment of members.

5.9 Documents, records and meeting minutes are accessible by any financial member of the club, given seven (7) days' notice to the Club Secretary.

5.10 Entrance fees for club events (practice, racing or social) will be determined and advertised on a per event basis.

5.11 Any person's membership may be terminated by the following events:

5.11.1 resignation – written form only

5.11.2 expulsion by the Committee

5.11.3 a member's annual membership fee remains unpaid after one (1) month of falling due;

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

5.12.1 False or inaccurate statements made in the member's application for membership of the Association,

5.12.2 Breach of any rule or regulation of the Association and

5.12.3 By any act detrimental to the Association, after having undertaken due inquiry.

5.13 Any member who is expelled, suspended, has their membership terminated or application rejected, shall have the right to appeal against their suspension or expulsion by presenting their case to an Emergency General Meeting called for such purpose, and the decision of the Emergency General Meeting shall be final.

6. MANAGEMENT COMMITTEE

- NB:
- (1) Sometimes called the Executive Committee.
 - (2) Committee persons are sometimes referred to as Office Bearers.
 - (3) The four main Office Bearers are often referred to as The Executive.

- 6.1 Management of the Association shall be vested in the Management Committee elected by the members at the Annual General Meeting and consisting of:
 - 6.1.1 President
 - 6.1.2 Vice President
 - 6.1.3 Club Secretary
 - 6.1.4 Treasurer
 - 6.1.5 Three (3) to Five (5) Committee Members
 - 6.1.6 Affiliated club delegates
- 6.2 No person shall hold more than one position on the Management Committee at any one time. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting which follows his/her election and he/she will be eligible for re-election
- 6.3 A quorum of the Management Committee shall be 4 of its members.
- 6.4 Voting powers at Management Committee Meetings:
 - 6.4.1 The meeting chairperson shall be entitled to a deliberate vote and, in the event of a tied vote; the meeting chairperson shall exercise a casting vote.
- 6.5 If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.
- 6.6 Casual vacancies e.g. temporary unavailability due to sickness may be filled by a person nominated and agreed by the committee.
- 6.7 A member of the Management Committee may lose his or her seat on the committee for either or the following;
 - Absence from three or more meetings without leave of absence
 - Found not to be a financial member

7. DUTIES AND POWERS OF THE MANAGEMENT COMMITTEE

- 7.1 The Management Committee shall carry out the day-to-day running of the Association and shall have the power to:
 - 7.1.1 Administer the finances, appoint bankers, and direct the opening of bank accounts for specific purposes and to transfer funds from one bank account to another, and to close any such account.
 - 7.1.2 Fix the manner in which such banking accounts shall be operated, providing the Management Committee approves payments either in person or by electronic means except for standard payments for licensing, track/venue hire, ambulances, officials, flag marshals, stationary etc where only the Club Secretary or Treasurer approval is required.
 - 7.1.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof:
 - 7.1.4 Adjudicate on all matters brought before it which in any way affect the Association.
 - 7.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members.
 - 7.1.6 Make, amend and rescind regulations.
 - 7.1.7 Have the power to form and appoint any sub-committee/s as required for specific purposes
 - 7.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Association, at salaries or remunerations for such a period of time, as may be deemed necessary
 - 7.1.9 Should a position become vacant on the Executive Committee during the season, the Management Committee shall appoint a successor from candidates nominated at the previous Annual General Meeting until the next Annual General Meeting or if there is no candidate available hold an Emergency General Meeting to elect a new committee member.

- 7.1.10 Appoint an officer/s or agent of the Management Committee to have custody of the Association's records, documents and securities.
- 7.1.11 No payment may be made to a member of the committee out of the funds of the Association except for the reimbursement of expenses, payment for race day official's duties or if the payment is authorised by a resolution of the association.

8. GENERAL MEETINGS

8.1 Annual General Meeting

- 8.1.1 The Annual General Meeting of the Association must be held in the two months before the end of the club's financial year.
- 8.1.2 The Club Secretary shall provide at least fourteen (14) days' notice for the Annual General Meeting, to members by e-mail including any motions.
- 8.1.3 All financial members may attend the Annual General Meeting
- 8.1.4 The quorum at the Annual General Meeting shall be a minimum of eleven (11) members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the meeting, there is no quorum, the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.
- 8.1.5 The agenda for an Annual General meeting shall be;

- Opening the meeting
- Apologies
- Confirmation of minutes of previous meeting
- Proposed amendments to the Constitution (now called the Rules)
- Presentation of Annual Report (President)
- Presentation of Treasurer's Annual Report (Treasurer)
- Planned Expenditure
- Determination of Annual Membership Fee
- Determination of Event Fees and Structure
- Race Dates and Options
- Request for Officials
- Election of new Management Committee
- Vote of thanks to outgoing Management Committee
- Any new business
- Urgent general business
- Closure

8.2 General Meetings

- 8.2.1 In addition to the Annual General Meeting, one scheduled club meeting may be held each year (Mid-Year General meeting), members will be given at least fourteen (14) days' notice of this meeting by e-mail.
- 8.2.2 General Meetings may be called by the Management Committee or at the request of the President and Club Secretary or Emergency General Meetings on the written request of 20% of the members of the Association
- 8.2.3 The Secretary shall give at least seven (7) days' notice, by e-mail, of the date of an Emergency General Meeting to the members. Notice of Emergency General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that Emergency General Meeting.

8.2.4 The quorum at any General Meetings shall be a minimum of eleven (11) members.

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

8.3.1 The meeting chairperson shall be entitled to a deliberate vote and, in the event of a tied vote; the meeting chairperson shall exercise a deciding vote.

8.3.2 Each individual financial member (see 5.6 for the categories of membership entitled to vote) shall have one (1) vote in person or by proxy which must be provided by e-mail to the proxy and copied to the club e-mail supermotowa@gmail.com at least 3 hours in advance or in writing by the proxy at the meeting.

9. FINANCE AND FINANCIAL REPORTING

9.1 All funds of the Association shall be deposited into the Association's accounts at such bank or recognized financial institution as the Management Committee may determine.

9.2 All accounts due by the Association shall be paid by electronic means after having been passed for payment in line with section 7.1.2.

9.3 The signatories to the Association's accounts are the Treasurer and any one (1) from the following:

- President
- Vice President
- Club Secretary

9.4 Members shall not spend any funds on behalf of the Association without the consent of the Management Committee, and shall keep record of such expenditure.

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

9.6 The Treasurer will be the custodian of the accounts.

9.7 FINANCIAL REPORTING TO MEMBERS

The association's annual revenue is less than \$250,000 and the association is therefore classified as Tier 1, the accounts will be reviewed by a member of the Committee other than the Treasurer and the following shall be submitted to the Annual General Meeting.

9.7.1 A statement of Income and Expenditure (receipts and payments)

9.7.2 A statement of Assets and Liabilities

9.7.3 A reconciled statement of the Associations bank account balance.

9.7.4 A copy of the review carried out by a club member.

9.7.5 The Association will use the Cash Method of reporting.

9.7.6 The financial year of the Association shall commence on 1st December for the following year. i.e. the financial year 2020 shall start on the 1st December 2019.

10. COMMON SEAL

The Association does not use a Common Seal.

11. ALTERATIONS TO THE RULES

11.1 No alteration, repeal or addition shall be made to the Rules except at the Annual General Meeting, or General Meeting, that has been called for the purpose of changing the Rules. Notice of all motions to alter, repeal or add to the Rules shall be given to members seven (7) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.

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

- 11.3 Alteration to the Regulations can be made only at Management Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.
- 11.4 Motions for changes to the Rules, or any part thereof, shall be of no effect unless passed by a majority (Special Resolution) to those present and entitled to vote, be it in person or in writing by proxy vote, at the General Meeting, as the case may be.
- 11.5 Within one month of the passing of a Special Resolution, the Secretary shall notify the Department of Commerce of the amendment.

12. DISSOLUTION

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

- (a) another incorporated association having objects similar to those of the Association;
and/or
- (b) an organisation that holds a current licence under the Charitable Collections Act 1946
and/or
- (c) an affiliated club

This shall be determined by the members at a General Meeting.

13. DISPUTES AND MEDIATION

- 13.1 The grievance procedure set out in this rule applies to disputes under these rules between:
 - 13.1.1 A member and another member; or
 - 13.1.2 A member and the Association; or
 - 13.1.3 If the Association provides services to non-members, those non-members who receive services from the Association, and the Association.
- 13.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- 13.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days hold a meeting in the presence of a mediator.
- 13.4 The mediator must be:
 - 13.4.1 A person chosen by agreement between the parties; or
 - 13.4.2 In the absence of agreement:
 - 13.4.2.1 In the case of a dispute between a member and another member, a person appointed by the Committee of the Association.
 - 13.4.2.2 In the case of a dispute between a member or relevant non-member and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 13.5 A member of the Association can be a mediator.
- 13.6 The mediator cannot be a member who is a party to the dispute.
- 13.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 13.8 The mediator, in conducting the mediation, must:
 - 13.8.1 Give the parties to the mediation process every opportunity to be heard;
 - 13.8.2 Allow due consideration by all parties of any written statement submitted by any party;
and
 - 13.8.3 Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 13.9 The mediator must not determine the dispute.
- 13.10 The mediation must be confidential and without prejudice.
- 13.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.