

# CONSTITUTION OF AUSTRALIAN KARTING ASSOCIATION (WA) INC.

## 1. NAME

The name of the Association is the Australian Karting Association (WA) Incorporated.

## 2. STATEMENT OF PURPOSES

The purposes of the Association are:

- 2.1 To promote and protect the sport of kart racing.
- 2.2 To promote excellence and just and honourable practices in the sport, and to suppress malpractice.
- 2.3 To promote or organise Kart meetings and other functions for members.
- 2.4 To do all such acts which, in the opinion of the Association, is for the general benefit of members or of Karting.

## 3. DEFINITIONS

- 3.1 **AKA(WA)** means Australian Karting Association (WA) Inc.
- 3.2 **Association** means Australian Karting Association (WA) Inc.
- 3.3 **Council** consists of President, Vice President, Secretary, Treasurer, Technical Adviser, Publicity Officer, Steward's co-ordinator, Track Inspector and two Delegates from each Affiliated Club.
- 3.4 **Management Committee** consists of President, Vice-President, Secretary, Treasurer, Technical Adviser, Publicity Officer, Steward's Co-ordinator and Track Inspector.
- 3.5 **Secretariat** consists of President, Secretary and Treasurer.
- 3.6 When male gender is referred to it also refers to female gender.

## 4. GENERAL

- 4.1 The Australian Karting Association (WA) Inc. is a body set up to foster and develop the sport of Karting, and is the recognised authority to administer and control the sport within the State of Western Australia.
- 4.2 The Australian Karting Association (WA) Inc. is a non-profit making organisation and all fees and monies received by this Association shall be devoted to

promoting the sport of Karting. All such expenditure shall be approved by the Management Committee.

- 4.3 The income and property of the Association, whensoever derived, shall be applied solely to the promotion of the objects of the Association as set forth in this constitution and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit to the members of the Association, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officers or servants of the Association, or to any member of the Association, or other person in return for any services actually rendered to the Association.

## **5. MEMBERSHIP**

The Australian Karting Association (WA) Inc. consists of all financial members of all Kart clubs which are affiliated and financial with the Association.

A requirement for club affiliation into the AKA(WA) is that the club must have a minimum of 5 licensed drivers at the time of application.

Any club organised to promote and foster the sport of Karting and which has headquarters in Western Australia is eligible for membership.

The Australian Karting Association (WA) Inc. can accept for membership karting clubs whose activities are centralised within the State of Western Australia and who are duly incorporated and registered with the Corporate Affairs office.

Affiliated clubs agree to abide by the constitutional powers of the Australian Karting Association (WA) Inc. and ensure that Karting is held in good esteem in the public eyes in all of their Club's activities.

## **6. SUBSCRIPTION**

Each kart club affiliated with the Australian Karting Association (WA) Inc. shall pay an annual subscription, to be determined at the annual general meeting of the Association for the ensuing year. Such subscription shall be due and payable on the first day of January each year, and shall be accompanied by a list of licensed drivers of that club from the previous year. Clubs failing to comply with the above within fourteen (14) days shall be deemed unfinancial unless satisfactory reasons are forthcoming. Arrears shall nevertheless be payable and the treasurer shall have power to sue for, and recover such arrears.

## **7. CESSATION OF MEMBERSHIP**

A Club ceases to be a member:

- 7.1 upon receipt by the Secretary of the Association of its resignation in writing;
- 7.2 thirty (30) days after notification in writing by the Secretary to the club that its subscription is overdue, unless within that time, the subscription is paid.

## **8. EXCLUSION OF MEMBERS**

Only the Management Committee can expel a club for reasons of grave misconduct. The decision to expel shall be by a majority vote of the Management Committee.

Any club who is expelled will have a right of appeal to the full Council at either the Half Yearly or Annual General Meeting of the Council.

After giving the club and the Management Committee the opportunity to defend their actions the Council shall vote by a show of hands and the majority of members present will decide the outcome of the appeal. A tied vote of the Council members present will cause the appeal to be lost.

## **9. FUNCTIONS OF THE AKA(WA) COUNCIL**

9.1 The allocation of dates for competition meetings shall be applied for to the AKA(WA) sixty (60) days prior to the Annual General Meeting each year to facilitate the compilation of an annual competition calendar to operate from 1st January of the ensuing year.

9.2 To consider and if deemed desirable, the formulation and establishment of Rules and Regulations for the safety of the sport and the conduct of its members.

9.3 To elect from amongst its own members of AKA(WA) affiliated Clubs at the Annual General Meeting each year by secret ballot, a Management Committee which will consist of the following elected officers:

- President
- Vice President
- Secretary
- Treasurer
- Technical Adviser
- Publicity Officer
- Stewards Co-ordinator
- Track Inspector

To hold office as such for the ensuing year and who shall forthwith cease to be a delegate.

Position of Secretary and Treasurer to be 2 year terms alternating to Australian Karting Association Secretariat elections. These two (2) positions to be on a rotational bases.

Nominations in writing, endorsed by the nominee and the Secretary of the nominating club for positions of Office Bearers shall be in the hands of the AKA(WA) Secretary sixty (60) days prior to the Annual General Meeting. Nominees must have held an executive/committee member position in any AKA affiliated club for a minimum of any twelve (12) months prior to this nomination.

Nominees must attend this meeting (unless the Council otherwise agrees).

Retiring officers shall be eligible for re-election.

- 9.4 To approve an Honorarium to be paid to the Secretary. The fee to be decided by the Council on an annual basis. This fee to be adjusted annually in accordance with the Consumer Price Index.
- 9.5 To purchase, rent, transfer, mortgage, lease or deal in any other manner whatsoever with land, buildings or interests therein.
- 9.6 To make loans and/or invest monies as approved by the Council.

## **10. FUNCTIONS OF THE AKA(WA) MANAGEMENT COMMITTEE**

- 10.1 To assist the supervision and control of the sport within the State by club committees.
- 10.2
  - 10.2.1 To issue permits to organisers.
  - 10.2.2 To issue licences to approved applicants.
  - 10.2.3 To appoint panels of approved stewards, scrutineers and such other officials as may be required under the provisions of the Competition Regulations to staff any competition.
  - 10.2.4 To appoint such tribunals as may be required from time to time to discharge the judicial functions of the AKA Competition Regulations.
  - 10.2.5 To adjudicate on disputes between clubs.
  - 10.2.6 To ensure compliance of the provisions of the AKA Competition Regulations within the State.
  - 10.2.7 To consider and if deemed desirable, the implementation of Rules and Regulations for the safety of the sport and the conduct of its members.
  - 10.2.8 To impose penalties upon clubs and upon individuals in accordance with the provisions of the AKA Competition Regulations.
  - 10.2.9 To collect such amounts as may legally become due to the AKA(WA) from time to time.
  - 10.2.10 To maintain an up to date register of licence holders including contact address and date of joining of each member club.

- 10.2.11 To transmit to all affiliated clubs, etc. any relevant instruction or information from the AKA(WA).
- 10.2.12 To appoint from time to time advisory executive sub-committees to discharge such functions and to hold such office for such time.
- 10.2.13 To reimburse any member, servant or agent for any out of pocket expenses properly incurred by him on the AKA(WA)'s behalf, and the payment to any such servant or agent who is not a member of the AKA(WA) such wage, remuneration, honorarium or return for services rendered as it shall deem fit.
- 10.2.14 To raise monies by levies, charges, collections, donations or in any way whatsoever consistent with guidelines laid down by the Council.

## **11. MANAGEMENT OF FUNDS**

All money received must be deposited in a bank account or accounts in the name of the Association. All payments from the account or accounts must be by cheque or electronic funds transfer. All cheques or electronic funds transfers must be signed/authorised by any two signatories who are office bearers or other persons appointed by the Council from time to time for that purpose.

The two signatories will be provided with credit cards. Only one signature is required for the use of the credit card. Payment of the credit card statement will require authorization by any two of the three signatories.

## **12. COMPOSITION OF THE AKA(WA) COUNCIL**

12.1 The AKA(WA) Council shall consist of:

- (a) President;
- (b) Vice President;
- (c) Secretary;
- (d) Treasurer;
- (e) Technical Adviser;
- (f) Publicity Officer;
- (g) Stewards Co-ordinator;
- (h) Track Inspector;
- (i) Two (2) Delegates from each Affiliated Club.

12.2 The Secretariat which shall consist of the President, the Secretary and the Treasurer and their duties shall be as hereunder listed:

12.2.1 The President shall be responsible to:

- 12.2.1.1 Preside at all meetings of the Association.
- 12.2.1.2 Open each meeting after ascertaining a quorum is present and then maintain it at all times.
- 12.2.1.3 Sign Minutes of meetings as correct when they have been confirmed if satisfied with the accuracy.
- 12.2.1.4 Ensure all meetings are run in an orderly manner.
- 12.2.1.5 Prepare and present an Annual Report at the Annual General Meeting.

12.2.2 The Secretary shall be responsible for:

- 12.2.2.1 The maintenance of proper Minutes of all meetings of the State Council and Management Committee. The Minutes shall be circulated to all affiliated clubs via electronic media within twenty one (21 days) of said meeting. Should affiliated clubs wish to be provided with a hard copy via post they can request it.
- 12.2.2.2 The maintenance of a Registry of Licence Holders.
- 12.2.2.3 The recording of the names and addresses of all members.
- 12.2.2.4 The proper issue of licences and permits.
- 12.2.2.5 The implementation of decisions properly taken by the Council or Management Committee.
- 12.2.2.6 The transmission to relevant persons of information and instructions from the AKA(WA).
- 12.2.2.7 The collection and transmission to the Treasurer (or in accordance with the Treasurer's instructions) monies legally due howsoever to the AKA(WA).
- 12.2.2.8 The advice to delegates of the time and venue of meetings.
- 12.2.2.9 Such other acts as are customarily the duties of a Secretary.

12.2.3 The Treasurer shall be responsible for:

- 12.2.3.1 The establishment and maintenance of proper books of accounts, records and securities of the Association.
- 12.2.3.2 The production at Council Meetings of a statement of receipts and expenditure.
- 12.2.3.3 The arrangement of an independent annual audit of the Council's books of account for the following year.
- 12.2.3.4 The submission to the Council of a Balance Sheet audited by the nominated Auditor as nominated at the preceding year's Annual General Meeting.
- 12.2.3.5 The banking of the Council's monies.
- 12.2.3.6 The submission of an annual Treasurer's Report to the Council.
- 12.2.3.7 All other such matters as are customarily the duties of a Treasurer.

### **13. INSPECTION OF DOCUMENTS**

The books and records of the Association may be inspected upon reasonable notice to the Secretary or Treasurer, by any office bearer or delegate or by a person authorised in writing by an affiliated club to do so.

### **14. FINANCIAL YEAR**

The financial year of the Association ends on 30 June.

### **15. PROCEDURE**

15.1 Each affiliated club shall nominate two delegates to the Council and both of whom may, if present, take part in discussions at meetings.

At the Half Yearly and Annual General Meetings all members of the Management Committee can participate in any discussion and propose a motion. The members of the Management Committee cannot second any motion nor have any voting rights.

15.2 Delegates nominated to the AKA(WA) Council shall cease to be members of the Council for any of the following reasons:

15.2.1 On the delegate's club advising the Council in writing that the delegacy has been withdrawn.

15.2.2 On the delegate advising the Council in writing of his resignation.

15.2.3 On his becoming certified as being of unsound mind.

15.2.4 On his ceasing to be a financial member of an affiliated club.

15.2.5 On his club ceasing to be affiliated with the AKA(WA).

15.2.6 On his being deemed guilty, by a three fourths majority of the full Council, of conduct prejudicial to the best interests of Karting in Western Australia.

15.2.7 On his ceasing to be a resident of the State of Western Australia.

15.2.8 A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member meets any of the requirements as set out for the Delegates.

15.3 The Council shall meet annually. A Half Yearly Meeting will be held unless the State Karting Council decides it is not required. Meetings will be held as follows:

September/October/November	-	Annual General Meeting
April/May		Half Yearly Meeting

It may meet more frequently, and if such a meeting is requested by five (5) affiliated clubs, at least sixty (60) days notice must be given in writing of a Council meeting taking place.

15.3.1 The Secretary must give a notice under sub-rule (24) (9.1) (9.3) and (12.2.2.1) by –

- (a) sending it by electronic media to affiliated clubs. Should affiliated clubs wish to be provided with a hard copy via post they can request it.

15.4 Voting Right.

The number of votes to which a delegate is entitled is as follows:

- 0 - 9 licensed drivers from delegate's club - 0 Vote.
- 10 plus licensed drivers from delegate's club - 1 Vote.

15.5 A person who has been nominated in writing as a delegate is deemed to be a representative of the Association at a Council Meeting. An affiliated club may appoint a proxy to attend a Council Meeting but may not exercise any vote unless an application in written form is lodged with the AKA(WA) Secretary forty eight (48) hours prior to the meeting comprising:

15.5.1 Who will exercise proxy.

15.5.2 Direction for proxy to be exercised.

### 15.5.3 Signature of Club Secretary.

- 15.6 Any member of an affiliated club is entitled to attend but not to speak or vote at any Council meeting. If the majority 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.
- 15.7 All decisions at Council meetings including a decision to close a meeting to persons who are not members of the Council, and a decision to discipline a member, are made by a majority of the votes exercised.
- 15.8 The Management Committee shall meet at least once during each month in which there is no meeting of the Council, and at such other times as it may deem necessary. These meetings shall be conducted on an open basis. Observers do not have a right to speak only when invited by the President (Chairman).

Recommendations made by the Management Committee affecting Policy, Constitution, Race Rules shall require the sanction of the Council.

- 15.9 At all meetings of either the Council or Management Committee, the President shall take the chair, in his absence the Vice President shall act as Chairman, and in the absence of both the meeting shall elect a Chairperson.
- 15.10 Postal Votes: If a majority of delegates agree or at the Management Committee's request a postal vote can be held. It must be given in the way of an email or facsimile. The vote must be received no more than 7 days after the date of notice of the postal vote by email or other suitable means determined by the Management Committee. If a majority of delegates permit the vote maybe received in a shorter or longer period of notice. A non response to the motion shall be recorded as a response in the positive.

## **16. BUSINESS OF THE ANNUAL GENERAL MEETING**

The business of the Annual General Meeting is to:

- 16.1 receive the President's Report;
- 16.2 elect office bearers;
- 16.3 appoint an auditor; and
- 16.4 consider such other business of which at least sixty (60) days notice has been given to the Secretary.

## **17. QUORUMS**

At meetings of the Council, a number comprising half the total number of members plus one shall form a quorum, and at meetings of the Management Committee one more than half the members entitled to vote shall form a quorum.

If a quorum is not present within thirty (30) minutes from the time of the start of the meeting as notified to delegates the meeting shall be adjourned to date and time deemed suitable.

## **18. VOTING PROCEDURE**

18.1 Voting at meetings of the Council and Management Committee shall normally be by show of hands except in respect of elections and such other matters as the Council and Management Committee shall decide, in which case the voting shall be by secret ballot.

Matters on which the voting is equal shall be decided in the negative.

18.2 At Management Committee meetings the President shall have a casting vote.

18.3 At Council meetings the Management Committee has no voting rights.

18.4 The accepted rules of debate shall be observed. Members shall address only the Chairperson who shall be the sole judge of which speaker has the floor.

18.5 The onus of registering with the Secretary the registered address and if applicable the telephone number of each delegate shall rest with such delegate.

18.6 Vacancies on the Management Committee may be filled by an election at the next meeting of the Council or by postal vote in accordance with Constitution to a Returning Officer.

## **19. COMMON SEAL**

19.1 The Common Seal of the Association shall be kept in the custody of the Secretary.

19.2 The Common Seal shall be affixed to any document only pursuant to a resolution of the Council. Only the Secretary is authorised to use such Seal on behalf of the Association, the signature of any two of President, Secretary or Treasurer being sufficient.

## **20. DISPERSMENT OF ASSETS OF COUNCIL MEMBERS**

To become a member of the Council a Club must provide within its Constitution duly lodged with Corporate Affairs:

*"In the event of the \_\_\_\_\_ Club (Inc) proceeding either voluntarily or otherwise into liquidation the balance of the assets of the \_\_\_\_\_ Club*

*(Inc) shall after the payment of all outstanding debts be handed to the AKA(WA) Council. This includes any money, goods, chattels and land howsoever gained by the \_\_\_\_\_ Club (Inc)".*

Any assets surrendered to the AKA(WA) Council shall be held in trust for a period of five years after which time the AKA(WA) Council can distribute as it sees fit for the benefit of Western Australian Karters.

A club can seek leave from the AKA(WA) Council not to include this clause in its constitution.

## **21. DISSOLUTION**

- A. The Association may at any time call a meeting for the purpose of dissolution.
- B. If at such a meeting there are at least 75% members who vote to dissolve the Association and therefore not willing to form an Executive Committee, then if there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members, but shall be given or transferred to another associated incorporated under the Act which has similar objects and which association shall be determined by resolution of the members.  
If at such a meeting 75% of the members vote against dissolving the Association those so voting shall be entitled to elect an Executive Committee which shall thereafter be the Executive Committee and execute the power thereof in accordance with this constitution.

## **22. DISAFFILIATION**

A seventy five percent (75%) majority vote of the entire SKC be the minimum number required should disaffiliation action be suggested or moved and that at least sixty (60) days notice of intention be given to SKC members so that a special meeting for these clubs be arranged so that they might seek a directive from their members.

## **23. EFFECT OF THIS CONSTITUTION**

This Constitution shall come into effect on 1 November 2008 and shall thereby nullify and replace all previous such constitutions.

## **24. AMENDMENTS**

The Council shall have the power to alter, add to or amend this Constitution and/or Statement of Purposes at any time by resolution of seventy five percent (75%) of the voting delegates at a meeting to amend the Constitution. Such alteration or amendment shall have no effect unless sixty (60) days notice of such motion has been given to all affiliated clubs.

I HEREBY CERTIFY the foregoing to be a true and correct copy of the Constitution of the Australian Karting Association (WA) Inc.

SIGNED:

A handwritten signature in black ink, appearing to read "M. Lino", is written over a light grey rectangular background.

Secretary, AKA(WA)