

**CONSTITUTION
OF THE
AUSTRALIAN KARTING ASSOCIATION INC**

STATEMENT OF PURPOSES

PREAMBLE

Recognising the necessity for the uniform administration of the sport of karting in Australia subject to the International Sporting Code of F.I.A., respective of all competitive motor sport subject to, and by delegation from the F.I.A., to a duly constituted body representative of the participants in the sport of karting, to be known as the National Kart Council of Australia, NOW THEREFORE delegates representing all states of Australia, such Council being the national executive committee of an association of kart clubs in Australia to be known as the Australian Karting Association Inc. (A.K.A.) and undertake for themselves and their successors to administer and control the sport of karting in accordance with the requirements of the Federation Internationale de L'Automobile; AND TO THAT END such delegates aforesaid do hereby enact, adopt and agree to abide by the following constitution and Competition Rules for Karting in Australia.

The purposes of the Association are:-

- (a) To promote and protect the sport of Kart Racing;
- (b) T promote excellence and just and honourable practices in the sport and to suppress malpractices;
- (c) To promote and organise Kart meetings and other functions for members;
- (d) To do all such acts which, in the opinion of the Association are for the general benefit of members or of Karting.

RULES:

1. Name:

The name of the Association is the Australian Karting Association Inc.

2. Membership:

The member associations of the Association are the State Karting Associations of the six States of Australia:-

Kart Control Council of Tasmania Inc.
Karting Council of South Australia Inc.
Karting Association of New South Wales Inc.
Queensland Karting Council Inc.
Victorian Karting Association Inc.
W.A. Kart Association (Inc)

and such other incorporated Karting Associations which all existing members agree to admit to membership.

3. Cessation of Membership:

A member association ceases to be a member:-

- (a) one year after notification in writing to the National Secretary of intention to withdraw from the Association, unless within that year the notification is withdrawn.
- (b) six months after notification by the National Secretary to the State Secretary of the member that there are membership fees owing and that failure to pay within six months will result in cessation of membership, unless within that time the membership fees are paid.

4. Registration of Members:

The National Secretary must keep a Register of members, the name, contact address and date of joining of each member association.

5. Subscription:

The annual subscription for the following calendar year is determined at the Annual General Meeting of the Association.

There is no joining fee.

6. Discipline of Members:

- (a) The Council may discipline a member association of the Association by:-
 - i) expelling the member; or
 - ii) warning the member that it may be expelled if it continues to act in the specified manner of which it disapproves: or
 - iii) fining the member.
- (b) If a motion is proposed at a meeting of the Council for the disciplining of a member association the President shall first put a motion that the member be called upon to explain its conduct to the Council.
- (c) If that motion is carried by a simple majority of those present and voting, the motion for the disciplining of the member must be adjourned to a meeting not less than fourteen days later.
- (d) The member association named in the motion must be given notice by delivering to its contact address in the Register of Members:
 - i) of the conduct complained of; and
 - ii) that it is entitled to present oral or written evidence or arguments to the Council at a meeting on given date.

- (e) At the later meeting, the Council must;
 - i) give the member association, if represented by one or more of its members, the opportunity to be heard, and
 - ii) consider any written document presented by it or on its behalf.
- (f) The Council may then, by an absolute majority of its members, determine:
 - i) whether to discipline the member association and
 - ii) whether the penalty should be expulsion, a warning or a fine.
- (g) A decision of the Council in accordance with the procedure set out above to discipline a member and to impose a penalty is final and no appeal to a General Meeting is permitted.
- (h) The disciplinary powers contained in this rule are separate from any disciplinary powers exercised by the Council under competition regulations of the National Karting Council.

7. The Council:

The Association is managed by a Council to be known as the National Karting Council, consisting of one delegate from each member association as voting members, and the members of the Secretariat as non-voting members. A delegate must at the time of nomination be a member of the State Association.

8. Subject to any decision of a General Meeting of the Association, the Council has the entire management and control of the Association and has power to do anything necessary or convenient to achieve the purposes of the Association including:
- (a) the delegation of the State Karting Councils with power to withdraw such delegation of such powers and responsibilities as may from time to time be deemed desirable;
 - (b) the arrangement of the National Kart Council Calendar and the allocation of the Australian Kart Championships;
 - (c) the drawing up of amendment from time to time of Kart Formulae;
 - (d) the compilation and amendment from time to time of Australian General Kart Regulations for approval;
 - (e) the issue of licences to competitors and drivers in Kart competitions, and of permits to organizers of such competitions in accordance with the Australian General Kart Regulations.

- (f) the imposition of such levies, penalties, fees, fines, contributions and subsidies as may seem to the Council necessary, and the enforcement of collection of such amounts from any State Karting Council, Club, group or individual as permitted by the Australian General Karting Regulations;
 - (g) the negotiations of insurance for member associations, their member clubs, drivers, officials and spectators;
 - (h) the maintenance of a central registry of Kart licences;
 - (i) the enforcement of any legal instruction relating to Karting issued on behalf of the Federation International de l'Automobile;
 - (j) The consideration and adoption of any suggestion made by State Karting Councils;
 - (k) the maintenance of due liaison and information regarding Karting matters with the Confederation of Motor Sport;
 - (l) the arbitration of disputes between State Karting Councils or between clubs in different States;
 - (m) the establishment, co-ordination and support of a National Technical Advisory Committee comprised of one technical delegate from each member association;
 - (n) the appointment from time to time of advisory or executive sub-committees to discharge such functions and to hold office for such time as the Council shall deem fit;
 - (o) the reimbursement of any member, servant or agent from any out of pocket expenses properly incurred on the Council's behalf and the payment to any such member. Servant or agent of such wage, honorarium or return for services rendered as the Council shall think fit.
9. The Council may make regulations not inconsistent with these Rules or the International Sporting Code of the Federation de l'Automobile for the better management of sport of karting in Australia.

10. Election of Officers:

At the Annual General Meeting of the Association the following officers of the Secretariat are elected by the delegates from persons who have:

- i) been nominated in writing to the Secretary at least one month before the meeting by the member associations; and
- ii) must (unless the meeting otherwise agrees) be present at the meeting:
 - (a) National President
 - (b) National Vice President
 - (c) National Secretary
 - (d) National Treasurer

If there is a tied vote on the election of any officer of the Secretariat, the retiring Secretariat members together have one casting vote.

If a person was a delegate at the time of his/her election as an officer, he/she ceases to be so on election.

11. (a) The officers of the Secretariat take office at the conclusion of the Annual General Meeting and hold office for the period expiring at the conclusion of the next Annual General Meeting:
- i) in case of the President and Vice President in the year after the year of their election;
 - ii) in the case of all other officers in the year after the year of their election.

All officers are eligible for re-election.

- (b) Any officer of the Secretariat may be removed by a vote of five of the six delegates at a meeting of the Council.

12. Powers of the Secretariat:

Subject to any specific provision elsewhere in these Rules the Secretariat has power:

- (a) to administer and control the sport in accordance with the regulations in the periods between Council meetings;
- (b) To interpret and enforce the Regulations;
- (c) To propose items for discussion and resolution at a General Meeting.

13. Vacancies on the Council:

A delegate remains a member of the Council until:

- (a) he resigns;
- (b) a new delegate is nominated by his State association to replace him;
- (c) his State association ceases to be a member association of the Association;
- (d) he is removed in accordance with Rule 11(b).

14. An officer member of the Council or member of any sub-committee of the Association who has any direct or indirect interest in any present or anticipated contract agreement or arrangement with the Association must declare that interest at the first meeting of the Council or the sub-committee (as the case may be) after he becomes aware of the interest or the contract agreement or arrangement, and must not vote in respect of the matter.

15. A person ceases to be an officer of the Secretariat:

- (a) at the end of his term of office, unless he is re-elected;
- (b) on receipt of his written resignation from that office;

16. Filling Casual Vacancies:

A casual vacancy in any of the offices of the Secretariat may be filled from amongst persons nominated by the member associations by a telephone conference of the delegates.

17. A casual vacancy in the number of delegates on the Council must be filled by the nominee of the member association of which the retiring delegate was a member.

18. Quorum at Council Meetings:

The quorum at a council meeting of the Council is four delegates.

19. Number of Council Meetings:

The Council must meet at least once a year. A meeting of the Council must be called if a majority of delegates so request. A meeting called as a result of a request must be held within two months of the receipt by the National Secretary of the request. If a majority of delegates agrees any meeting of the Council other than the meeting held in conjunction with the Annual General Meeting may be conducted by telephone conference.

20. Notice of Council Meetings:

At least one month's notice must be given of a Council meeting unless a majority of delegates agrees that it is necessary to hold the meeting, either in person or by telephone conference, with a shorter period of notice.

21. Council Meetings Not Public:

Meetings of the Council are conducted in private but the Council may determine that part of the meeting be opened to the press or other observers. The Council may permit a person other than a delegate or officer of the Secretariat to address it.

22. Decisions of Council Meetings:

All decisions at Council meetings are made by simple majority of those delegates present and voting. The person presiding does not have a casting vote. A tied vote shall be deemed to be resolved in the negative.

23. General Meetings:

Time for Annual General Meeting:

An Annual General Meeting must be held each year in the months of July or August or such other month as the Council determines.

24. Business of the Annual General Meeting:

The business of the Annual General Meeting is to:

- (a) receive the President's report;
- (b) receive and consider the financial statement required by Section 30 (3) of the Association Incorporation Act 1981 (Victoria);
- (c) elect officers of the Secretariat;
- (d) appoint an auditor, and
- (e) consider such other business of which at least two month's notice has been given to the National Secretary.

25. Special General Meetings:

A special General Meeting must be called if a majority of delegates request one. Unless so requested, it is not necessary to hold a Special General Meeting in any year. The only business which can be considered at a Special General Meeting is that set out in the Notice of the Meeting.

26. Period of Notice of General Meetings:

At least one month's notice of every General Meeting, including the Annual General Meeting, must be given.

27. Form of Notice of General Meetings:

A notice stating:

- (a) the place, date and time of the General Meeting;
- (b) the nature of the business to be considered;
- (c) if any special resolution proposed has been proposed, the text of any such motion and a statement that is intended at the meeting to propose the motion as a special resolution must be delivered to the State Secretary of each member state association at the address notified in the Register of Members and to each delegate at the address last notified to the National Secretary by that delegate.

28. A document 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.

29. Quorum at General Meeting:

Four delegates present in person or by proxy constitutes a quorum at a General Meeting.

30. Proxies at Council Meetings and General Meetings:

Each member association must appoint, in addition to its delegates, an alternate delegate who must be also be member of the State Association. An alternate delegate can exercise all powers given by these Rules to a delegate, if the delegate is unable to do so.

31. If neither the delegate nor the alternate delegate of a member association is able to attend a General Meeting or a Council meeting, the member association by an authority signed by its President or Secretary and produced to the National Secretary may grant a proxy to the delegate of another member association. No delegate may exercise more than one proxy.

32. Decisions at General Meeting:

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 Associations Incorporation Act 1981 to be a special resolution,
 - (c) a re-submission of any resolution
- are decided by a simple majority of votes cast. Any decisions referred to in sub-rules (a) (b) or (c) of this rule must be decided by special resolution.

33. Special Resolutions:

As prescribed by the Associations Incorporation Act 1981, a special resolution is a resolution agreed to by at least three-quarters of the delegates of member associations who are present in person or by proxy and who vote on the resolution at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in the manner required by these Rules, at least 21 days prior to the meeting.

34. Secretary's Responsibilities:

It is the responsibility of the National Secretary to:

- (a) keep records and files of meetings;
- (b) keep stocks of necessary forms and licences and issue them as required;
- (c) arrange meetings of Council and the Annual General Meeting;
- (d) carry out the directions of the Council and the Secretariat;
- (e) generally to perform the administration of the Association.

35. Treasurer's Responsibilities:

It is the responsibility of the National Treasurer to keep the books of the Association including

- (a) the production of financial reports to the Council and the member association;
- (b) the collection, banking and investment of all money received by the Association;
- (c) the payment at the direction of the Secretariat of all expenses incurred by the Association;
- (d) the preparation of the annual financial statements for the Annual General Meeting.

36. Management of Funds:

All moneys 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. All cheques must be signed by two persons who are officers of the Secretariat or other persons appointed by the Council for that purpose.

37. Financial Year:

The financial year of the Association ends on 31 December.

38. Derivation of Funds:

The funds of the Association are derived from subscriptions, licence fees, meeting permits, fines and such other sources as the Council agrees to.

39. Common Seal:

The National Secretary is responsible for the custody of the Common Seal, which must only be affixed in accordance with a resolution of the Council, and in the presence of two delegates or one delegate and one officer of the Secretariat.

40. Books and Records:

The National Treasurer is responsible for the custody of the books, records and securities of the Association, other than the Minute Books and the Register of Members, for which the National Secretary is responsible.

41. Inspection of Documents:

Any book and record of the Association may be inspected upon reasonable notice to the National Secretary or National Treasurer who is responsible in accordance with the previous rule, by any officer of the Secretariat or delegate or by any person authorized in writing by a member association to do so.

42. Alteration of Statement of Purposes or Rules:

The Statement of Purposes and Rules may only be amended by a Special Resolution passed at a General Meeting of the Association. Any alteration so passed does not take effect until it has been lodged with, and approved by the Registrar of Incorporated Associations.

43. Disposal of Assets on Winding up:

The Association is prohibited from making any distribution to its members, whether in money, property or otherwise howsoever, of any assets belonging to the Association and provided however that this shall not prevent payment in good faith of remuneration to any officers or servants of the Association or of benevolent payments for which provision may be made from time to time in this Constitution.

If upon the winding up or dissolution of the Association there remains after satisfaction of its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among its members but shall be given or transferred to some other institution having objects similar (wholly or in part) to its objects and which shall prohibit the distribution of its or their income and property amongst its members, such institution or institutions to be determined by the members at or before the time of dissolution and if an so far as effect cannot be given to the aforesaid provision then to some charitable object or objects.