

Westlakes Automobile Club (inc)

Rules and Constitution of Westlakes Automobile Club



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Preamble

1. Name:

The name of the club shall be the Westlakes Automobile Club Inc.

2. Aims And Objectives:

- a) To promote and foster Motor sport and Automobilmism.
- b) To promote friendship and courtesy on the road, socially, and in competition.
- c) To promote competition between members of the club in a sportsman like manner.
- d) To promote and engender social activities.
- e) To conduct meetings and events to allow members to improve their driving skills and vehicles.
- f) To continue affiliation with the Confederation of Australian Motor sport (CAMS) and be bound by the CAMS Constitution and National Competition Rules (NCR's)
- g) To be a member of Newcastle Area Motor sport (NAMS) to promote and conduct motor sport events in the Newcastle area.
- h) To register the club with the Roads and Traffic Authority NSW to enable members to acquire conditional registration for historical vehicles over 30 years old.

3. Incorporation:

The club shall continue to be incorporated under the NSW Associations Incorporation Act 1984.

4. Rules:

The club will be bound by the following rules

- a) The WAC Club Rules
- b) The WAC by-laws
- c) The WAC Standing Orders
- d) The CAMS Competition Rules
- e) The WAC Conditional registration rules

Part 1 – Preliminary

1 Definitions

- (1) In this constitution:
- "Director-General" means the Director-General of the Department of Services, Technology and Administration.
- "ordinary committee member" means a member of the committee who is not an office-bearer of Westlakes Automobile Club.
- "secretary" means:
- (a) the person holding office under this constitution as secretary of Westlakes Automobile Club, or
- (b) if no such person holds that office--the public officer of Westlakes Automobile Club.
- "special general meeting" means a general meeting of Westlakes Automobile Club other than an annual general meeting.
- "the Act" means the Associations Incorporation Act 2009.
- "the Regulation" means the Associations Incorporation Regulation 2010.
- (2) In this constitution:
- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.
- (4) "CAMS" means the Confederation of Australian Motor sport
- "WAC" means Westlakes Automobile Club (inc)

Part 2 – Membership

2 Membership generally

- (1) A person is eligible to be a member of Westlakes Automobile Club if:
- (a) the person is a natural person, and
- (b) the person has been nominated and approved for membership of Westlakes Automobile Club in accordance with clause 3.
- (2) A person is taken to be a member of Westlakes Automobile Club if:
- (a) the person is a natural person, and

- (b) the person was:
- (i) in the case of an unincorporated body that is registered as Westlakes Automobile Club--a member of that unincorporated body immediately before the registration of Westlakes Automobile Club, or
- (ii) in the case of an association that is amalgamated to form the relevant association--a member of that other association immediately before the amalgamation, or
- (iii) in the case of a registrable corporation that is registered as an association--a member of the registrable corporation immediately before that entity was registered as an association.
- (3) A person is taken to be a member of Westlakes Automobile Club if the person was one of the individuals on whose behalf an application for registration of Westlakes Automobile Club under section 6 (1) (a) of the Act was made.

3 Nomination for membership

- (1) An application for membership of Westlakes Automobile Club:
- (a) must be made in writing on the Westlakes Automobile Club Membership Application form (WAC-A-004), accompanied by the appropriate application fee as set by the schedule of fees, and
- (b) must be lodged with the membership secretary of Westlakes Automobile Club or, in their absence, the secretary of an event being conducted by Westlakes Automobile Club.
- (c) this application constitutes an interim club membership but does not entitle the member to any of the rights and privileges of members except for the right to compete in events using the CAMS licence system.
- (2) As soon as practicable after receiving a nomination for membership, the membership secretary may refer the nomination to the committee which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the committee makes that determination, the membership secretary must:
- (a) notify the nominee, in writing, that the committee approved or rejected

- the nomination (whichever is applicable), and
- (b) if the committee approved the nomination, issue a club membership card to the member.
- (c) If the committee rejects the application they shall refund the application fee.
- (4) The membership secretary must, on receiving confirmation of the accepted nomination, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of Westlakes Automobile Club.
- (5) An application for renewal of membership of Westlakes Automobile Club:
- (a) must be made in writing on the Westlakes Automobile Club Membership Application form (WAC-A-004), accompanied by the appropriate application fee as set by the schedule of fees, and
- (b) must be lodged with the membership secretary of Westlakes Automobile Club or, in their absence, the secretary of an event being conducted by Westlakes Automobile Club.
- (6) As soon as practicable after receiving the application for renewal, the membership secretary must:
- (a) issue a club membership card to the member.
- (b) update the register of members to reflect the membership renewal.

4 Cessation of membership

- (1) A person ceases to be a member of Westlakes Automobile Club if the person:
- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from Westlakes Automobile Club, or
- (d) fails to pay the annual membership fee under clause 8 (2) within 60 days after the fee is due.

5 Membership entitlements not transferable

- (1) A right, privilege or obligation which a person has by reason of being a member of Westlakes Automobile Club:
- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

6 Resignation of membership

- (1) A member of Westlakes Automobile Club may resign from membership of Westlakes Automobile Club by first giving to the membership secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) A member of Westlakes Automobile Club will be deemed to have resigned from membership of Westlakes Automobile Club by failing to pay all amounts payable by the member to Westlakes Automobile Club in respect of the member's membership after a period of 60 days.
- (3) If a member of Westlakes Automobile Club ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the membership secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7 Register of members

- (1) The membership secretary of Westlakes Automobile Club must establish and maintain a register of members of Westlakes Automobile Club specifying the name and postal or residential address of each person who is a member of Westlakes Automobile Club together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
 - (a) at the main premises of Westlakes Automobile Club, or
 - (b) if Westlakes Automobile Club has no premises, at Westlakes Automobile Club's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of Westlakes Automobile Club at any reasonable hour.
- (4) If a member requests that any information contained on the register about the member (other than the member's name) not be available for

inspection, that information must not be made available for inspection.

- (5) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to Westlakes Automobile Club or other material relating to Westlakes Automobile Club, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

8 Fees and subscriptions

- (1) A person must, on application for membership, pay to Westlakes Automobile Club the appropriate fee as listed in the club's schedule of fees as set by the club committee.
- (2) Membership renewal shall be due on each anniversary of application for membership

9 Members' liabilities

- (1) The liability of a member of Westlakes Automobile Club to contribute towards the payment of the debts and liabilities of Westlakes Automobile Club or the costs, charges and expenses of the winding up of Westlakes Automobile Club is limited to the amount, if any, unpaid by the member in respect of membership of Westlakes Automobile Club as required by clause 8.

10 Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of Westlakes Automobile Club, or a dispute between a member or members and Westlakes Automobile Club, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.
- (4) The CAMS NCRs may be used to resolve disputes arising out of competition related issues provided they have jurisdiction in the

situation, prior to referral to the Community Justice Centre.

11 Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of Westlakes Automobile Club:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of Westlakes Automobile Club.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from Westlakes Automobile Club or suspend the member from membership of Westlakes Automobile Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until Westlakes

Automobile Club confirms the resolution under clause 12, whichever is the later.

12 Right of appeal of disciplined member

- (1) A member may appeal to Westlakes Automobile Club in general meeting against a resolution of the committee under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of Westlakes Automobile Club to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of Westlakes Automobile Club convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of Westlakes Automobile Club.

Part 3 – The committee

13 Powers of the committee

- (1) Subject to the Act, the Regulation and this constitution and to any resolution passed by Westlakes Automobile Club in general meeting, the committee:
 - (a) is to control and manage the affairs of Westlakes Automobile Club, and
 - (b) may exercise all such functions as may be exercised by Westlakes Automobile Club, other than those functions that are required by this constitution to be exercised by a

general meeting of members of Westlakes Automobile Club, and
(c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of Westlakes Automobile Club.

14 Composition and membership of committee

- (1) The committee is to consist of:
 - (a) the office-bearers of Westlakes Automobile Club, and
 - (b) at least 4 ordinary committee members, each of whom is to be elected at the annual general meeting of Westlakes Automobile Club under clause 15.
- (2) The total number of committee members is to be 8.
- (3) The office-bearers of Westlakes Automobile Club are as follows:
 - (a) the president,
 - (b) the vice-president,
 - (c) the treasurer,
 - (d) the secretary.
- (4) A committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (5) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (6) Any one (1) of the eight (8) committee members may be assigned the role of membership secretary.

15 Election of committee members

- (1) Nominations of candidates for election as office-bearers of Westlakes Automobile Club or as ordinary committee members:
 - (a) may be made in writing, signed by 2 members of Westlakes Automobile Club and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) if in writing be delivered to the secretary of Westlakes Automobile Club at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) Nominations may be called at the AGM for the election of office – bearers and/or committee members,

and each position where more than one nomination is received, either in writing or in person, a ballot is to be held

- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of Westlakes Automobile Club must be a member of Westlakes Automobile Club.

16 Secretary

- (1) The secretary of Westlakes Automobile Club must, as soon as practicable after being appointed as secretary, lodge notice with Westlakes Automobile Club of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the committee, and
 - (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be read and accepted by 2 members at the next meeting.

17 Treasurer

- (1) It is the duty of the treasurer of Westlakes Automobile Club to ensure:
 - (a) that all money due to Westlakes Automobile Club is collected and received and that all payments authorised by Westlakes Automobile Club are made, and
 - (b) that correct books and accounts are kept showing the financial affairs of Westlakes Automobile Club,

including full details of all receipts and expenditure connected with the activities of Westlakes Automobile Club.

18 Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of Westlakes Automobile Club to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of Westlakes Automobile Club, or
 - (c) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 19, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

19 Removal of committee members

- (1) Westlakes Automobile Club in general meeting may by special resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

20 Committee meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to a time and place to be determined by the committee.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

21 Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such

member or members of Westlakes Automobile Club as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:

- (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
 - (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
 - (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
 - (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
 - (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
 - (7) A sub-committee may meet and adjourn as it thinks proper.

22 Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the status quo remains.
- (3) Subject to clause 20 (5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may

afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 – General meetings

23 Annual general meetings--holding of

- (1) Westlakes Automobile Club must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) Westlakes Automobile Club must hold its annual general meetings:
 - (a) within 6 months after the close of Westlakes Automobile Club's financial year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

24 Annual general meetings--calling of and business at

- (1) The annual general meeting of Westlakes Automobile Club is, subject to the Act and to clause 23, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of Westlakes Automobile Club during the last preceding financial year,
 - (c) to elect office-bearers of Westlakes Automobile Club and ordinary committee members,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

25 Special general meetings--calling of

- (1) The committee may, whenever it thinks fit, convene a special general

meeting of Westlakes Automobile Club.

- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of Westlakes Automobile Club.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and
 - (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

26 Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of Westlakes Automobile Club, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of Westlakes Automobile Club, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general

meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 24 (2).

- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27 Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Nine members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to a time and place to be determined by the committee.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the meeting is to be dissolved.

28 Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of Westlakes Automobile Club.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

29 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no

business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of Westlakes Automobile Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30 Making of decisions

- (1) A question arising at a general meeting of Westlakes Automobile Club is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 9 or more members present at the meeting decide that the question should be determined by a written ballot--a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of Westlakes Automobile Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

31 Special resolutions

- (1) A special resolution may only be passed by Westlakes Automobile Club in accordance with section 39 of the Act.

32 Voting

- (1) On any question arising at a general meeting of Westlakes Automobile Club a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the status quo remains.
- (3) A member is not entitled to vote at any general meeting of Westlakes

Automobile Club unless all money due and payable by the member to Westlakes Automobile Club has been paid.

- (4) A member is not entitled to vote at any general meeting of Westlakes Automobile Club if the member is under 12 years of age.

33 Proxy votes

- (1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in the Westlakes Automobile Club schedule of documents.

34 Postal ballots

- (1) Westlakes Automobile Club may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 12).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 – Miscellaneous

35 Insurance

- (1) Westlakes Automobile Club may effect and maintain insurance.

36 Funds--source

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

37 Funds--management

- (1) The funds of Westlakes Automobile Club are to be used in pursuance of

the objects of Westlakes Automobile Club in such manner as the committee determines. Resolutions passed by Westlakes Automobile Club in general meeting may also be used to determine the usage of Westlakes Automobile Clubs funds.

- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of Westlakes Automobile Club, being members or employees authorised to do so by the committee.

38 Change of name, objects and constitution and other rules

- (1) An application to the Director-General for registration of a change in Westlakes Automobile Club's name, objects or constitution as detailed in (a) below, in accordance with section 10 of the Act is to be made by the public officer or a committee member.
 - (a) The WAC By-laws, statement of objects and these rules may be altered, rescinded or added to only by a special resolution of Westlakes Automobile Club.
- (2) The WAC Conditional Registration Rules and WAC Schedule of Fees may be altered, rescinded or added to only by resolution of the Westlakes Auto Club Committee at a committee meeting.
- (3) The WAC Standing Orders and WAC Member Awards Rules, may be altered, rescinded or added to only by a resolution of Westlakes Automobile Club at a general meeting.

39 Custody of books etc

- (1) Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to Westlakes Automobile Club.

40 Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of Westlakes Automobile Club at any reasonable hour:
 - (a) records, books and other financial documents of Westlakes Automobile Club,
 - (b) this constitution,

- (c) minutes of all committee meetings and general meetings of Westlakes Automobile Club.
- (2) A member of Westlakes Automobile Club may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

41 Service of notices

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

42 Financial year

- (1) The financial year of Westlakes Automobile Club is:
 - (a) the period of time commencing on the date of incorporation of Westlakes Automobile Club and ending on the following 30 June, and
 - (b) each period of 12 months after the expiration of the previous financial year of Westlakes Automobile Club, commencing on 1 July and ending on the following 30 June.

43. Trustees

- (1) There shall be four (4) trustees appointed by the Westlakes Automobile Club, these trustees shall

- be empowered to lease, acquire or hold land as required by the Westlakes Automobile Club. Interest in all property is to be vested in the name of the appointed trustees.
- (2) In the event of the Westlakes Automobile Club being dissolved or property no longer required by the Westlakes Automobile Club, then the trustees are required to dispose of such property or assets of the Westlakes Automobile Club to cover any outstanding debts of the Westlakes Automobile Club.
- (3) In the event of Westlakes Automobile Club being dissolved, the trustees may appoint administrators as deemed necessary.
- (4) There shall be no personal liability on the part of a trustee to any creditor of the Westlakes Automobile Club.
- (5) Trustees shall be elected for an unlimited period whilst they remain a member of the Westlakes Automobile Club. If a trustee should resign from the Westlakes Automobile Club, then a new trustee shall be elected and all creditors of the Westlakes Automobile Club shall be notified.

44. Dissolution

- (1) The Westlakes Automobile Club shall be dissolved in the event of the membership being less than that required by the act, or upon the approval of a special resolution made at a special general meeting convened to consider such a question.
- (2) Upon dissolution, after payment of all expenses and liabilities, assets and funds on hand may, as decided by members at a general meeting,
 - (a) be handed over to such other club or similar association having aims and objectives similar to those of the Westlakes Automobile Club, or
 - (b) be handed over to a registered charity.