

## **CONSTITUTION**

### **1. Name:**

The name of this Club is the Mildura-Coomealla Cycling Club Incorporated (the Club). This name may not be altered without the consent of a three quarters majority of members present at a properly constituted Club meeting.

The Club is a properly constituted and incorporated sporting club. It is affiliated with the South Australian Cycling Federation (SACF) and comes under the auspices of the Australian Cycling Federation (ACF), the national governing body of cycling in Australia. Club administration is encumbered within the Coomealla Memorial Sporting Club, at Dareton NSW.

### **2. Statement of Purpose:**

The objectives of the Club are:

- a) To conduct and control cycling within its nominated area;
- b) To organise and provide funds for its activities; and
- c) To invest and deal with funds not immediately required.

### **3. Interpretation:**

On these Rules, and in any By-Laws or Technical Regulations:

- a) "Club" means the Mildura-Coomealla Cycling Club.
- b) "ACF" means Australian Cycling Federation.
- c) "SACF" means South Australian Cycling Federation.
- d) "Secretary" means Honorary Secretary.
- e) "Treasurer" means Honorary Treasurer.
- f) "Handicapper" means Honorary Handicapper.
- g) "Delegate" means an elected representative of the Club.
- h) "Committee" means Executive committee of the Club.
- i) The male gender means the female gender also.
- j) "Rules" means the Constitution, By-Laws or Technical Regulations contained herein.
- k) "Act" means the Association Incorporation Act, 1985.

### **4. Financial Year:**

The financial year is from 1<sup>st</sup> September to 31<sup>st</sup> August.

### **5. Membership:**

The Club consists of persons interested in cycling who are willing to join the club subject to their admission by the Committee and by the SACF. Membership is obtained by joining the Coomealla Memorial Sporting Club and taking out separate membership of the Club. Membership and race licence is not valid until

the prescribed fee has been paid to the Coomealla Memorial Sporting Club. Membership must be renewed each year in September.

Race participation is governed by the requirement to hold an ACF licence, either Club or Open level. Licence application forms are available from the Club Secretary and must be renewed in December of each year.

Membership of the Club shall be divided into the following categories:

- a) Full members – those persons who are licence holders of the ACF and pay the Club's full annual membership fee.
- b) Non-Racing members – those members who do not participate in cycle races and pay the Club membership fee.
- c) Life members – those who have been awarded Life Membership of the Club.
- d) Proof of the approval by the SACF or the ACF, or any person, does not necessarily make it incumbent of the Club to accept the person as a Club member.
- e) Club members may not be members of any other club affiliated with the SACF or ACF.
- f) The Club or the Committee reserves the right to refuse any person as a member if he does not conform to the SACF or ACF or Club guidelines.

6. **Affiliation:**

The Club shall be affiliated with the SACF and other organizations as may be decided upon and shall abide by the direction and rules of the SACF in all respects.

7. **Club Membership Fees:**

- a) Club members shall pay the annual fees as determined by the committee prior to the commencement of the Club's financial year.
- b) Members are also liable to pay whatever levies and fees are due to the SACF or ACF within 30 days notice being served by either of these bodies.

8. **New Members :**

Each new member shall complete a Club membership form.

9. **Meetings :**

The ordinary meetings of the Club shall be held monthly or as required, and the Order of Business shall be:

- a) To accept apologies
- b) To admit visitors and new members
- c) To receive minutes of previous meeting
- d) Business arising
- e) To receive correspondence
- f) Elections (if any)
- g) Reports (financial etc.)

- h) Notice of motions
- i) General business
- j) Date of next meeting and close

At Club meetings a quorum shall be seven of which two shall be Officers.

10. **Voting:**

At the Annual General and all other Ordinary meetings of the Club, every full financial member shall be entitled to be present and give one vote, and no more, upon every question, provided that in the case of equality of votes, the Chairman of the meeting shall have a casting vote.

11. **Amendment of Constitution and Statement of Purposes:**

Any motion to alter, amend, delete or add a new rule shall be in accordance with the Act and must be lodged in writing with the Secretary 21 days prior to the Club meeting at which the motion will be submitted for decision and written notice to each member of the contents of such motion.

12. **Annual Meetings:**

- a) The annual meeting shall be held on the first available meeting date in September of each year.
- b) The business of the Annual Meeting shall be:
  - To accept apologies
  - To admit visitors
  - To receive and adopt minutes of previous Annual meeting
  - Business arising
  - To receive Secretary's report
  - To receive the Treasurer's report
  - Election of Office bearers for the following positions: President, Vice President, Secretary, Treasurer, Assistant Secretary, and 5 Executive members.
  - Racing officials as required
  - To accept or reject the recommendation of the Committee to elect a Club Life Member, if any, and
  - General business.

13. **Officers:**

- a) The Officers of the Club shall be:
  - President
  - Vice President
  - Secretary
  - Treasurer
  - Assistant Secretary

- b) Officers shall be nominated at the Club meeting prior to the Annual meeting, and elected at the Annual meeting.
- c) Such nominations shall be in writing, and signed by the Proposer, Seconder and Nominee, who must all be financial members of the Club.
- d) The President and the Secretary shall be elected for a two year period, the President being elected at one Annual General Meeting, the Secretary being elected the following year, and so on.
- e) Other Officers of the Club shall be elected for a one year term.
- f) All Officers on retiring are eligible for re-election.

14. **Executive Committee:**

- a) The Executive Committee shall consist of the President, Vice President, Secretary, Treasurer, Assistant Secretary and five other members of the Club.
- b) The position of any member absent for three (3) consecutive meetings without an apology shall be declared vacant.
- c) A member elected to the Executive Committee shall serve for a period of one year, and will be eligible for re-election.
- d) A quorum shall be four committee members, which will include two Officers.
- e) The Executive Committee has power to:
  - Transact the business of the Club.
  - Control and spend moneys on behalf of the Club with all cheques, drafts, bills of exchange and other negotiable instruments.
  - Inquire, if necessary, into the status of any person nominated for membership.
  - Fine or suspend any member of the Club for any breach of rules or discipline.
  - Act as Club Appeal Board, except in matters where the Jury of Appeal has already been elected.
  - The committee has the power to elect sub-committees.

15. **Appeals:**

Any member may appeal from a decision of the Club Appeal Board to the respective appeal boards of the ACF or SACF, as the case may be.

16. **Auditors:**

The Coomealla Memorial Sporting Club shall undertake an annual audit of the financial statements of the Club.

17. **Life Members :**

The Club may confer Life Membership on a member who has rendered distinguished service.

18. **Financial:**

- a) A member shall be deemed to be non-financial when the member has not paid a properly levied charge or fee by the due date.
- b) When such fee remains unpaid for a further 30 days after the due date, then the member may be suspended by the Executive.
- c) A non-financial member shall not be entitled to vote or attend any meeting of the Club.

19. **Casual Vacancies:**

- a) The office of an Officer, or an ordinary member of the Executive, becomes vacant, if the Officer or ordinary member:
  - Ceases to be a member of the Club;
  - Becomes bankrupt; or
  - Resigns his office or position by notice in writing given to the President or Secretary.
- b) When such a vacancy occurs, the Executive may appoint one of its members to the vacant office, or a member of the club to replace an ordinary executive member, and in each case the new appointee shall hold that position until the next meeting, where an election shall be held for the vacant position.
- c) When a casual vacancy occurs in any other Committee, the relevant Committee may appoint a member of the Club to fill the vacancy.

20. **Duties of Officers:**

- a) President – The President shall take the chair at all meetings of the Club, and shall control the meeting and carry out the Standing Orders.
- b) Vice President – The Vice President shall assume the role of President when that Officer is absent.
- c) Secretary – The Secretary shall convene and attend all meetings of the Club. He shall be responsible for the conduct of the business of the Club in accordance with the rules and under instruction from the Club and or Committee and shall keep in his custody all records of the Club including the minute book and other records necessary for the efficient operation of the Club. He shall pay to the Treasurer within 21 days all moneys received.
- d) Assistant Secretary – The Assistant Secretary shall attend all meetings of the Club and shall keep a record of all proceedings thereof in a minute book for the purpose.
- e) Treasurer – The Treasurer shall have charge of all the Club funds and shall keep clear records in writing of all income and payments. He shall be one of three signatories for the Club's banking transactions. He shall bank within 14 days all moneys received and shall make no disbursement without the sanction of the Executive Committee and shall submit a statement of income and payments and Balance Sheet duly audited to the Annual General Meeting. He shall also furnish a Financial Statement at ordinary Meetings of the Club. The accounts and books shall be available for inspection by the members.

21. **Ineligibility to Hold Office:**

- a) A person shall not be eligible for election as an Officer, ordinary Executive member, or to any other committee, if he has been convicted of any criminal offence punishable by imprisonment for a period of twelve months or more, or
- b) Has been disqualified by a properly constituted disciplinary body within the sport for a period in excess of 5 years; provided that after the expiry of the disqualification that person will, unless the Club decides to the contrary, be eligible for election.
- c) An undischarged bankrupt.

22. **Expulsion:**

The Executive Committee has further power to recommend the expulsion of any member of the Club to the next ordinary meeting of the Club, which must agree by a majority vote of members. Such member be given seven days notice in writing of the complaint against him and given the opportunity to answer the complaint before the committee decision is made.

23. **Use of Club Property and Assets:**

The property, assets and income of the Club shall not be used for any other purpose other than those in Rule 2.

24. **Distribution of Assets, Profit and Income :**

No asset, profit or income of the Club derived from the conduct of race meetings or otherwise shall be distributed amongst the members. However, this rule shall not prevent payment to an Officer or member of the Club of an allowance to reimburse expenses necessarily incurred in the performance of his official duties.

25. **Distribution of Assets:**

If, for any reason, it should be necessary for this Club to disband, all assets shall be realised and placed in trust with the SACF or such other body as the Club may deem fit and shall be used solely for the benefit of cycling.

26. **Interpretation of Rules:**

In the event of any question as to the correct interpretation of any Rule, such question shall be resolved by the Chairman. However, should such decision be disagreed with and carried by a majority of members present, such decision shall be final.

27. **Register of names:**

The Secretary shall keep and maintain a register of members in which shall be entered the full name, address, date of birth and enrolment date of each member and the register shall be available for inspection by members at the address of the Secretary.

28. **Notice of Meetings** :

Advice of the time, date and location of general meetings shall be included on the racing programme on the race day immediately proceeding that date and the order of business will be as Rule 9.

29. **Funds** :

The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

30. **Seal** :

The common seal of the Club shall be kept in the custody of the Secretary. The common seal shall not be affixed to any instrument except by the authority of the executive Committee and the affixing of the Common Seal shall be attested by the President and the Secretary or in the absence of one of these Officers, then a member of the Executive.

31. **Powers of the Incorporated Association** :

The association shall have all the powers conferred by section 25 of the Act.