

BUNBURY CYCLE CLUB CONSTITUTION1. Name

The name of the Club shall be the BUNBURY CYCLE CLUB INC which shall hereinafter be referred to as "the Club".

2. Objectives

The objectives of the club shall be:

- (a) To promote and conduct activities of all kinds connected with cycling.
- (b) To educate, train, coach and encourage members of the "Club".
- (c) To establish relations with clubs having similar objectives and to encourage exchanges with other groups of a like nature.
- (d) To provide social and fund raising activities for its members.

3. Constitution

- (a) The Club shall be conducted in accordance with the Constitution.
- (b) The objectives of the Association (subject to approval as may be required by law) and the Rules herein contained may be amended, varied or rescinded and a new objective or objectives and Rules approved at an Annual General Meeting or special General Meeting provided that the notice of such meeting shall contain the text of the proposed amendments or states that the amendments are available for inspection by any Club member at a place nominated in the notice for a period of not less than fourteen days.

4. Affiliation

The Club shall affiliate with the West Australian Cycling Federation or its successors and will abide by the Constitutions of the same and shall continue to so affiliate each year during the life of the Club and pay the required Club affiliation fee.

5. Membership

- (a) Membership is open to all persons interested in cycling.
- (b) The classes of membership shall be as follows:
  - 1. Family; Mum, Dad & Under 16's.
  - 2. Riding - Senior, Junior, Juvenile
  - 3. Non-Riding
- (c) Such persons are considered to be members of the Club who pay all dues in the time period specified by the Committee and shall be entitled to the rights and privileges of the Club.
- (d) The annual membership fee for all classes of membership shall be determined at the Annual General Meeting in each year.
- (e) Any Member whose Annual Membership Subscription shall not have been paid within twenty-eight (28) days of the Annual General Meeting in each year (or within twenty-eight (28) days of first date of participating in Club events) shall thereafter cease to be entitled to the advantages and privileges of membership of the Club and shall no longer be entitled to receive Notices or attend any meetings or other functions arranged by the Club, but such Member shall remain liable for the Subscription he has undertaken to pay.
- (f) Membership subscriptions shall be based on a pro rata monthly basis.
- (g) Upon any person ceasing to be a member of the Club for any reason whatsoever, he shall not be entitled to the return of his membership subscription or any portion thereof.
- (h) Any member who desires to transfer to another Club, shall make written application to the Committee for clearance.
- (i) Competing members shall be accepted as competitors on the condition that they race at their own risk.

6. Committee

- (a) The following office bearers (committee members) shall be elected at the Annual General Meeting in each year:
- (i) President
  - (ii) Vice President
  - (iii) Secretary
  - (iv) Treasurer
  - (v) 3 - 5 Committee Members
  - (vi) 1 Junior Member
- (b) The members of the Committee shall be elected at the Annual General Meeting, or as otherwise provided in this Constitution, and will hold office until the next Annual General Meeting. A person may be nominated in absentia provided he has consented in writing.
- (c) A member of the Committee shall vacate his/her office if he/she:
- (i) ceases to be a member of the Club;
  - (ii) is absent, without apology, from any two consecutive committee meetings;
  - (iii) tenders his resignation and such resignation is accepted by the Committee.
- (d) If any position on the Committee becomes vacant for any reason, the Committee may elect any member to fill such vacancy.
- (e) The Committee shall meet monthly or more regularly as deemed necessary by the President or the Committee.
- (f) Five Committee members shall constitute a quorum at a Committee meeting.
- (g) All members of the Committee must be financial members of the Club.
- (h) The Chairman at all Committee meetings shall have a casting vote in addition to a deliberate vote.

7. Powers of the Committee

The regulations, control and conduct of all business of the Club shall be vested in the Committee of the Club with the power to do all such things as are necessary, incidental or conducive to the attainment of the objectives of the Club.

8. By-laws

The Committee may promulgate By-laws governing the management of the Club and may vary and interpret such By-laws.

9. Racing

Cycle racing shall be conducted under the rules of the sole governing body of Amateur Cycling in Western Australia, namely the Western Australian Amateur Cyclists Federation.

10. Annual General Meeting

- (a) The Annual General Meeting shall be held prior to October 31 each year.
- (b) The order of business at the Annual General Meeting shall be:
- (i) Minutes of the previous Annual General Meeting
  - (ii) Presentation of
    - (A) President's Report
    - (B) Treasurer's Report
    - (C) Committee's Report (if any)
  - (iii) Election of office bearers:
    - (A) Nomination for each candidate for office bearers or election as committee members shall be proposed and seconded respectively by two members at the Annual General Meeting. Contested offices shall be subject to ballot at the Annual General Meeting of the members present and voting thereon. No person shall be eligible for election unless he is a financial member of the Club.
    - (B) The election for the office bearers and the other Committee members shall be by ballot of members present and voting thereon, held at the Annual General Meeting. No ballot shall be required when the number of candidates nominated for each office does not exceed the number of vacancies and they shall be declared duly elected.
  - (iv) Fixing the limit on the Committee's borrowing power.
  - (v) To nominate persons to sign cheques drawn against the Club's accounts

5.

- (vi) Appointment of an auditor
  - (vii) Notices of Motion
  - (viii) Correspondence
  - (ix) General Business
- (c) At least fourteen days before the Annual General Meeting a notice of such a meeting shall be inserted in public notices of the local newspaper by the Secretary.
  - (d) Notices of Motions for the Annual General Meeting shall be in the hands of the Secretary in writing at least seven days prior to such meeting.
  - (e) Voting at the Annual General Meeting shall be by show of hands. All matters shall be decided by a simple majority and in the case of equality of votes the President shall have a casting vote.
  - (f) Ten members shall constitute a quorum at the Annual General Meeting.
  - (g) In the event of a quorum not being present thirty (30) minutes after the advertised starting time, the meeting shall be adjourned to a date within fourteen (14) days thereafter.
  - (h) In the event of a meeting being so adjourned, a notice of the adjourned meeting shall be given to all members of the club within seven (7) days.

11. Special General Meeting

- (a) Special General Meetings are convened under the following circumstances:
  - (i) Whenever in the opinion of a majority of members of the Management Committee such a meeting is deemed necessary.
  - (ii) Upon receipt by the Management Committee of a petition signed by at least ten financial members of the Club requesting the convening of a Special General Meeting. Such a meeting shall set out the reason for convening the meeting.
- (b) Upon receipt of such a petition the Secretary will convene a Special General Meeting within twenty-eight days of receipt of the petition.
- (c) Notice of such a Special meeting will be given in accordance with Section 10(c).

- (d) No business except the business stated in the form of notice convening the meeting shall be transacted at any Special General Meeting.
- (e) Voting at Special General Meetings shall be in accordance with the provision of Section 10(e).
- (f) Ten members shall constitute a quorum at any Special General Meeting.
- (g) In the event of a quorum not being present thirty minutes after the notified time of commencement of a Special General Meeting, such a meeting, if convened by a petition of members, shall be forthwith dissolved. In any other case, adjournment shall be ordered by the President and the meeting held in accordance with Sections 9(g) and 9(h).

## 12. Expulsion of Membership

- (a) The Committee may expel from the Club or otherwise punish or penalise any member whose conduct, in the opinion of the Committee, is discreditable or injurious to the character or interests of the Club.
- (b) Before any member is expelled or otherwise punished or penalised, his conduct shall be enquired into by the Committee and the member shall be given the opportunity to defend himself and to justify or explain his conduct. Provided that a quorum is established and the majority of the Committee present when the matter is enquired into is of the opinion that the member has been guilty of such conduct or action as aforesaid then the Committee may expel or suspend him from membership or otherwise punish or penalise him.
- (c) Should any member fail to appear at an inquiry conducted under Clause 7(b) hereof, or any adjournment thereof, the Committee may proceed in that member's absence to conduct the said inquiry and to make its findings as hereinbefore empowered.
- (d) Where a member appeals against a decision made against him by the Committee, the appeal should be lodged in writing within 30 days with the President or Secretary, who shall then call a special General Meeting of members to hear the appeal.

13. Income and Property

- (a) The income and property of the Club from whatsoever source shall be applied solely towards the promotion of the objectives of the Club and no part thereof shall be paid or transferred directly or indirectly by way of dividend or allowance to the persons who at any time are or have been members of the Club or any of them. Provided that nothing herein contained shall prevent the payment in good faith of interest on money borrowed from a member of the Club, or the utilisation of such funds for providing from time to time a scholarship or bursary travel grant or other assistance to a member of the Club for the purposes of improving the standard of his performance and/or enabling him to participate in a competition approved by the Club.
- (b) The Club shall not carry on any trade or seek to secure pecuniary profit to or for its members.
- (c) In the event of the Club being wound up every Club member at the date and every person who has been a member of the Committee for a period of 12 months preceding such winding up shall contribute to the funds of the Club for the payment of its debts and liabilities and the costs and charges of such winding up such amount as may be required up to but not exceeding the sum of one dollar per member or part member.

14. Non Profit

The income and property of the Club wheresoever derived shall be applied solely towards the objects of the Club and no portion thereof shall be paid or transferred directly or indirectly by any method whatsoever by way of profit to members of the Club provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officers or servants of the Club or to any member of the Club in return for services actually rendered to the Club or for goods supplied in the ordinary and usual course of business.

15. Audit

The Annual General Meeting shall appoint an auditor who is not a member of the Committee. The auditor shall audit the accounts of the Club for the year and certify as to the correctness of the statement of accounts to be presented at the Annual General Meeting. If unable to so certify he shall report to the Annual General Meeting the particulars of any discrepancy.

16. Trustees

Unless otherwise determined by the members, the Committee of the Club for the time being shall be deemed to be the Trustees of the Club to hold any property real and personal belonging to the Club.

17. Common Seal

The common seal of the Club engraved with the name of the Club shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or other document except pursuant to a resolution of the Committee and in the presence of the President and two members of the Committee both of whom shall subscribe their names as witnesses.

18. Dissolution

(a) The Club may be wound up by resolution of a Special General Meeting convened by not less than 28 days notice. The notice of the meeting shall specifically state the purpose of the meeting and to be effective the resolution must be agreed to by three-fourths majority of the members voting on the resolution.

(b) If upon the dissolution or winding up of the Club there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed amongst the members of the Club. It shall be given to some other association, institution or body having objects similar wholly or in part to the objects of the Club, provided that the association, institution or body shall prohibit the distribution of its income and property among its members, or it shall be paid to or transferred to some charitable object, association, institution or body, which shall be determined by the members of the Club at or before the time of dissolution or winding up. In default of any such resolution such payment, transfer or distribution shall be determined by a Judge of the District Court.

19. Adoption

This is to certify that this Constitution was formally adopted on October 11, 1987.

Signed:

President \_\_\_\_\_ Date \_\_\_\_\_

Secretary \_\_\_\_\_ Date \_\_\_\_\_

BUNBURY CYCLE CLUB