**THE CONSTITUTION**

**OF THE TOP END ROAD RACING ASSOCIATION INCORPORATED**

**This page is reference notes only**

**Note**: The financial year concludes 31 December for TERRA. The AGM must be held before the close of May.

**Notes:**

∙ Only a ‘*special resolution’* can alter the constitution

∙ A two thirds majority is required to pass a special resolution and the alteration must be registered with the Commissioner if it is a constitutional change.

∙ The proposed change must be advertised at least 21 days prior to any general meeting

∙ If the *special resolution* is to be passed at the Annual General Meeting then the *special resolution* will require to be advised 30 days prior to the AGM as an AGM must be advised to members 30 days prior to the meeting date.

**Note**:

∙ Quorum at Special General Meeting is 2.5 persons by operation of clause 50. In reality it will require a minimum of three (3) persons.

∙ Quorum for an ordinary meeting is five (5).

∙ Quorum for a Committee meeting is three (3).

**Note**:

Membership

**12. Annual membership fees**

(1) The annual membership fee is the amount determined from time to time by resolution at a general meeting.

(2) Each member must pay the annual membership fee via the agreed method prior to participating in any event or receiving voting rights.

(3) A member whose subscription is not paid by the first scheduled race meeting of the new financial year (January 1st to December 31st) ceases to be eligible to race at any scheduled race meeting until membership is paid.

***THIS IS THE ANNEXURE MARKED “A” REFERRED TO IN THE STATUTORY DECLARATION OF***

***Luke MacDonald***

***(NAME OF PUBLIC OFFICER)***

***MADE ON THE \_\_\_\_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_\_***

***BEFORE ME \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

***(SIGNATURE OF WITNESS ON STATUTORY DECLARATION)***

**THE CONSTITUTION OF THE TOP END ROAD RACING ASSOCIATION INCORPORATED**

**PART 1 – PRELIMINARY**

**1. Name**

Top End Road Racing Association Inc.

**2. Objects and purposes**

The objects and purposes of the Association are;

(a) the promotion and involvement with motorcycle and road racing

(b) provide for and further the development of a variety of motorcycling disciplines and encourage junior membership in both the sports and social aspects of the association.

**3. Minimum number of members**

The Association must have at least 5 members.

**4. Definitions**

In this Constitution, unless the contrary intention appears –

"Act" means the *Associations Act* and regulations made under that Act; "Committee" means the Management Committee of the Association;

"financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

"general meeting" means a general meeting of members convened in accordance with clause 45;

"member" means a member of the Association;

"register of members" means the register of the Association's members established and maintained under section 34 of the Act;

"special resolution" means a resolution notice of which is given under clause 48 and passed in accordance with section 37 of the Act.

**PART 2 – CONSTITUTION AND POWERS OF ASSOCIATION**

**5. Powers of Association**

(1) For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.

(2) Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may –

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise and borrow money on the terms and in the manner it considers appropriate;

(e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

(f) appoint agents to transact business on its behalf; and

(g) enter into any other contract it considers necessary or desirable.

(h) make donations for patriotic, charitable or community purposes.

**6. Effect of Constitution**

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

**7. Inconsistency between Constitution and Act**

If there is any inconsistency between this Constitution and the Act, the Act prevails.

**8. Altering the Constitution**

(1) The Association may alter this Constitution by special resolution but not otherwise.

(2) If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act. (see Insert at end)

**PART 3 – MEMBERS**

***Division 1 – Membership***

**9. Application for membership**

To apply to become a member of the Association a person must complete application process via approved channels (e.g Ridernet)

**10. Approval by Committee**

(1) The Committee will consider any application made under clause 9 and shall accept or reject the application.

(2) If an application is rejected, the applicant may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.

(3) If an applicant gives notice of an appeal against the rejection of his or her application, the Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.

(4) If after reconsidering an application the Committee reaffirms its decision to reject the application, the decision is final.

**11. Joining fee**

(1) If an application for membership is approved by the Committee, the applicant becomes a member on payment of the joining fee.

(2) The joining fee is an amount determined from time to time by resolution at a general meeting and this joining fee is payable in full once membership is accepted by committee and prior to entering any event

**12. Annual membership fees**

(1) The annual membership fee is the amount determined from time to time by resolution at a general meeting.

(2) Each member must pay the annual membership fee via the agreed method prior to participating in any event or receiving voting rights.

(3) A member whose subscription is not paid by the first scheduled race meeting of the new financial year (January 1st to December 31st) ceases to be eligible to race at any scheduled race meeting until membership is paid.

***Division 2 – Rights of members***

**13. General**

(1) Subject to clause 14(2), a member may exercise the rights of membership when his or her name is entered in the register of members.

(2) A right of membership of the Association –

(a) is not capable of being transferred or transmitted to another person; and

(b) terminates on the cessation of membership whether by death, resignation or otherwise.

**14. Voting**

(1) Subject to sub clause (2) and clause 18, each member has one vote at general meetings of the Association.

(2) A member is not eligible to vote until 10 working days after his or her application for membership has been accepted and payment is received.

(3) A voting member is eligible to exercise his or her voting right by proxy.

**15. Notice of meetings and special resolutions**

(1) The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

**16. Access to information on Association**

(1) The following must be available for inspection by members, and will be made available upon request:

(a) a copy of this Constitution;

(b) minutes of general meetings;

(c) annual reports and annual financial reports.

**17. Raising grievances and complaints**

(1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Association including a grievance or complaint about the conduct of a race meeting or event.

(2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

**18. Definitions of and Qualifications for Membership**

Unless otherwise determined by the Committee, there shall be six classes of members:

*(a) Life Members*

(i) Life Membership is exempt from payment of membership fees and may be awarded to any member who has rendered special services to the Association.

(ii) A Nomination, in any form, for Life Membership must be completed and presented to the secretary any time prior to the Annual General Meeting.

(iii) Successful nominations shall be conferred only at an Annual General Meeting by a majority of those Members entitled to vote.

(iv) Life Members shall be entitled to use the facilities of the Association.

(v) Life Members shall not be eligible for election to the committee; neither shall they be entitled to vote:

a. on matters affecting the Constitution of the Association or;

b. on the disposal of the Association’s property or assets.

*(b) Ordinary Members*

(i) Ordinary Members become members of the Association at such time as their application has been accepted by the Management Committee and their annual membership fee and/or joining fee has been paid.

(ii) Ordinary Members are eligible to be elected to the Management Committee, subject to Section 30 and Section 40 of the Act, and shall also be eligible to vote on all matters concerning the Association.

*(d) Honorary Members*

(i) Honorary Membership status is granted under the direction of the Management Committee.

(ii) Honorary Members shall be entitled to use the facilities of the Association

(iii) Honorary members shall not be eligible for election to the management committee

(iv) Honorary members shall not be entitled to:

a. vote at an election of Members to the committee, or;

b. on matters affecting the Constitution of the Association, or;

c. on the disposal of the Association’s property or assets.

(v) Honorary Membership may be granted to:

a. a visitor from a place more than 100km from Darwin for a period not exceeding one month;

b. other visitors as the committee deems appropriate.

*(e) Associate Members*

(i) Associate Members are members of the Association whose application for membership has been approved and accepted by the Management Committee BUT their annual membership fee has NOT been paid.

(ii) Associate Members become ordinary members of the Association at such time as their application has been accepted by the Management Committee and their annual membership fee has been paid.

(iii) An Associate Member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

*(f) Junior Members*

(i) Junior Members become members of the Association at such time as their application has been accepted by the Management Committee.

(ii) Members are classed as Junior up to the age of 16 years.

(iii) A Junior Member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

*(g) Junior Associate Members*

(i) Junior Associate Members are members of the Association whose application for membership has been submitted but not yet approved by the management committee.

(ii) Junior Associate Members become ordinary junior members of the Association at such time as their application has been accepted by the Management Committee.

(iii) A Junior Associate Member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

***Division 3 – Termination, death, suspension and expulsion* 19. Termination of membership**

Membership of the Association may be terminated by –

(a) a notice of resignation addressed posted, or emailed to the Association or given personally, or emailed to the Secretary or another committee member;

(b) expulsion in accordance with this Division.

**20. Death of member or whereabouts unknown**

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

**21. Suspension or expulsion of members**

(1) A member may be suspended or expelled by the Committee, for actions and conduct determined to be detrimental to the interests of the Association arising from either;

a. general conduct; or

b. conduct at a sanctioned race meeting or organised event where upon complaint, a matter has been investigated by an ad-hoc investigation committee (AIC) and a recommendation placed in front of the Committee by the AIC. The AIC has powers and process as set out in PART 8.

(2) If the Committee considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Association, the Committee must give notice of the proposed suspension or expulsion to the member.

(3) The notice must –

(a) be in writing (including email) and include –

(i) the time, date and place of the committee meeting at which the question of that suspension or expulsion will be decided; and

(ii) the particulars of the conduct; and

(b) be given to the member not less than 10 days before the date of the committee meeting referred to in paragraph (a)(i).

(4) At the meeting, the Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.

(5) The Committee may suspend or expel or decline to suspend or expel the member from the Association and must, within 30 days of forming the decision, give written notice of the decision and the reason for it to the member.

(6) Subject to clause 22, the decision to suspend or expel a member takes effect immediately upon notice of the decision being given to the member.

**22. Appeals against suspension or expulsion**

(1) A member who is suspended or expelled under clause 21 may appeal against that suspension or expulsion by giving notice to the Secretary within 14 days after receipt of the Committee's decision.

(2) The appeal must be considered at a general meeting of the Association and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.

(3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Committee to suspend or expel the member.

(4) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel him or her is confirmed by a resolution of the members.

**PART 4 – MANAGEMENT COMMITTEE**

***Division 1 – General***

**23. Role and powers**

(1) The business of the Association must be managed by or under the direction of a Management Committee (the Committee)

(2) The Committee may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.

(3) The Committee may appoint and remove staff.

(4) The Committee may establish one or more subcommittees consisting of the members of the Association the Committee considers appropriate.

(5) The elected committee retains their position until the next AGM, including club membership.

**24. Composition of Committee**

(1) The Management Committee consists of –

(a) a chairperson;

(b) a vice-chairperson;

(c) a secretary;

(d) a treasurer;

(e) a Public Officer

(f) a junior representative position being a representative person over 18;

(g) a race secretary and;

(h) 2 general committee members.

(2) Unless elected directly as a separate office holder, the Committee must appoint one committee member to be the Association's public officer.

(3) With exception to (2) above, a committee member must not hold more than one position.

**25. Delegation**

(1) The Committee may delegate to a subcommittee or staff any of its powers and functions other than –

(a) this power of delegation; or

(b) a duty imposed on the Committee by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

(3) The Committee may, in writing, revoke wholly or in part the delegation.

***Division 2 – Tenure of office***

**26. Eligibility of committee members**

(1) A committee member must be a member who is 18 years or over.

(2) A committee member must also meet the criteria provided in sections 30 and 40 of the Associations Act (Bankrupt/Disqualified persons).

(3) Committee members must be elected to the Committee at an annual general meeting or appointed under clause 33.

**27. Nominations for election to committee**

(1) A member is not eligible for election to the Committee unless the Secretary receives a written nomination (including email) from any member not less than 7 days before the date of the next annual general meeting.

(2) Any nomination made under clause 27(1) is taken to be signed by the nominee but need not be signed by a seconder to be accepted by the Secretary

(a) The nomination must at any later time, but prior to the actual election, be signed by a seconder (either present or not at the meeting).

(b) the nominee to signify his or her willingness to stand for election.

(3) A person who is eligible for election or re-election under this clause may –

(a) propose or second himself or herself for election or re-election; and (b) vote for himself or herself.

**28. Retirement of committee members**

(1) A committee member holds office until the next annual general meeting unless the member vacates the office under clause 31 or is removed under clause 32.

(2) Subject to sub-clause (3), at an annual general meeting the office of each committee member becomes vacant and elections for a new Committee must be held.

(3) The Chairperson of the outgoing Committee must preside at the annual general meeting until a new member is elected as Chairperson.

(4) Members may serve consecutive terms on the Committee.

**29. Election by default**

(1) If the number of persons nominated for a specific position on the Committee under clause 27 does not exceed the number of vacancies to be filled, the Chairperson must declare the persons to be duly elected as members of the Committee at the annual general meeting.

(2) If vacancies remain on the Committee after the declaration under sub-clause (1), additional nominations of committee members may be accepted from the floor of the annual general meeting.

(3) If the nominations from the floor do not exceed the number of remaining vacancies, the Chairperson must declare those persons to be duly elected as members of the Committee.

(4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 33.

**30. Election by ballot**

(1) If the number of nominations exceeds the number of vacancies on the Committee, ballots for those positions must be conducted.

(2) The ballot must be conducted with a show of hands vote by present, eligible members and with relevant nominees not present.

(3) The members chosen by ballot must be declared by the Chairperson to be duly elected as members of the Committee.

**31. Vacating office**

The office of a committee member becomes vacant if the member –

(i) is disqualified from being a committee member under section 30 or 40 of the Act;

(ii) resigns by giving written notice, including by email to the Committee, or any member of the Committee;

(iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;

(iv) ceases to be a resident of the Territory; or

(v) ceases to be a member of the Association;

(b) the member is absent from more than –

(i) 3 consecutive committee meetings without approval of either the Chairperson or the Committee; or

(ii) 3 committee meetings in the same financial year without tendering an apology to the Chairperson;

**32. Removal of committee member**

(1) The Association, through a special general meeting of members, may remove any committee member before the member's term of office ends.

(2) If a vacancy arises through removal under sub-clause (1), an election must be held immediately and before the end of the special general meeting to fill the vacancy.

**33. Filling casual vacancy on Committee**

(1) If a vacancy remains on the Committee after the application of clause 29 or if the office of a committee member becomes vacant under clause 31, the Committee must appoint any member of the Association to fill that vacancy within 30 days of the vacancy occurring.

(2) However, if the office of public officer becomes vacant, the committee of the association must appoint a person under section 27(6) of the Act to fill the vacancy within 14 days.

***Division 3 – Duties of committee members***

**34. Collective responsibility of Committee**

(1) As soon as practicable after being elected to the Committee, each committee member must become familiar with the Act and regulations made under the Act.

(2) The Committee is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.

**35. Chairperson and Vice-Chairperson**

(1) Subject to sub-clauses (2) and (3), the Chairperson must preside at all general meetings and committee meetings.

(2) If the Chairperson is absent from a meeting, the Vice-Chairperson must preside at the meeting.

(3) If the Chairperson and the Vice-Chairperson are both absent, the presiding member for that meeting must be –

(a) a member elected by the other members present if it is a general meeting; or

(b) a committee member elected by the other committee members present if it is a committee meeting.

**36. Secretary**

The Secretary must –

(a) coordinate the correspondence of the Association;

(b) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;

(c) maintain the register of members in accordance with section 34 of the Act;

(d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association, other than those required by clause 37(5) to be in the custody of the Treasurer; and

(e) perform any other duties imposed by this Constitution on the Secretary.

**37. Treasurer**

(1) The Treasurer must –

(a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;

(b) pay all moneys received into the account of the Association within 5 working days after receipt or as soon as practicable after that day;

(c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and

(d) ensure cheques are signed by him or her and at least one other committee member, or by any 2 other committee members authorised by the Committee.

(2) The Treasurer must ensure the accounting records of the Association are kept in accordance with section 41 of the Act.

(3) The Treasurer must coordinate the preparation of the Association's annual statement of accounts.

(4) If directed to do so by the Chairperson, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.

(5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.

(6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

**38. Public officer**

(1) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.

(2) The public officer must keep a current copy of the Constitution of the Association.

**39. Junior Representative**

(1) The Junior Representative should ensure that the views, aspirations and desires of the junior members of the club and their associated contacts and interested parties are represented to the Committee

(2) The Junior Representative is to ensure that the Committee is properly aware of national developments in the sport relevant to juniors and that the committee takes into account these developments when planning activities.

(3) The Junior Representatives promotes and advocates the sport broadly across the community to encourage participation by juniors where possible.

**40. Race Secretary**

(1) The race secretary is responsible for planning and implementation of all race day activities.

(2) The race secretary is to report on all operational/trackside matters.

**PART 5 – MEETINGS OF MANAGEMENT COMMITTEE**

**41. Frequency and calling of meetings**

(1) The Committee must meet together for the conduct of business not less than 2 times in each financial year.

(2) The Chairperson, or at least half the committee members, may at any time convene a special meeting of the Committee.

(3) A special meeting may be convened to deal with an appeal under clause 22.

**42. Voting and decision making**

(1) Each committee member present at the meeting has a deliberative vote.

(2) A question arising at a committee meeting must be decided by a majority of votes.

(3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

**43. Quorum**

For a committee meeting three, (3) of the committee members constitutes a quorum.

**44. Procedure and order of business**

(1) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

(3) Only the business for which the meeting is convened may be considered at a special meeting.

**45. Disclosure of interest**

(1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.

(2) The Secretary must record the disclosure in the minutes of the meeting.

(3) The Committee must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

**PART 6 – GENERAL MEETINGS**

**46. Convening general meetings**

(1) The Association must hold its first annual general meeting within 18 months after its incorporation.

(2) The Association must hold all subsequent annual general meetings within 5 months after the end of the Association's financial year.

(3) The Committee –

(a) may at any time convene a special general meeting;

(b) must, within 30 days after the Secretary receives a notice under clause 22(1), convene a special general meeting to deal with the matter to which the notice relates; and

(c) must, within 30 days after it receives a request under clause 46(1), convene a special general meeting for the purpose specified in that request.

**47. Special general meetings**

(1) A minimum of 3 members may make a written request to the Committee for a special general meeting unless otherwise provided in the Schedule.

(2) The request must –

(a) state the purpose of the special general meeting; and

(b) be signed by the members making the request.

(3) If the Committee fails to convene a special general meeting within the time allowed, and the special general meeting relates to an appeal, the appeal against the decision of the Committee is upheld.

(4) The Secretary must give to all members not less than 21 days' notice of a special general meeting.

(5) The notice must specify –

(a) when and where the meeting is to be held; and

(b) the particulars of and the order in which business is to be transacted.

**48. Annual general meeting**

(1) The Secretary must give to all members not less than 30 days notice of an annual general meeting.

(2) The notice must specify –

(a) when and where the meeting is to be held; and

(b) the particulars of and the order in which business is to be transacted.

(3) The order of business for each annual general meeting is as follows:

(a) first – the consideration of the accounts and reports of the Committee;

(b) second – the election of new committee members;

(c) third – any other business requiring consideration by the Association at the meeting.

(d) Fourth – Any *Special Resolutions* related to Constitutional amendments.

**49. Special resolutions**

(1) A special resolution may be moved at any general meeting of the Association.

(2) The Secretary must give all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed.

(3) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

**50. Notice of meetings**

(1) The Secretary must give a notice under this Part by –

(a) serving it on a member personally; or

(b) serving it on members at the email address advised by applicants at membership or as advised by members to the Secretary or to the Association, from time to time.

(3) If a notice is sent by email under sub-clause (1)(b), sending of the notice is taken to have been properly effected if the notice is emailed to the member at the email address provided to the Association by the member.

**51. Quorum at general meetings**

At a general meeting, 5 members present in person constitute a quorum.

**52. Lack of quorum**

(1) If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –

(a) for an annual general meeting or special general meeting convened under clause 46(3)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place;

(2) If within 30 minutes after the time appointed by sub-clause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may proceed with the business of that general meeting as if a quorum were present.

(3) The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.

(4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(5) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

**53. Voting**

(1) Subject to clauses 14(2) and 18, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

(2) At a general meeting –

(a) an ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and

(b) a special resolution put to the vote is passed if three-quarters of the members who are present in person or by proxy vote in favour of the resolution.

(3) At any meeting voting is by show of hands unless a show of hands vote determines a secret ballot is to be conducted.

**54. Proxies**

A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any meeting.

**PART 7 – FINANCIAL MANAGEMENT**

**55. Financial year**

The financial year of the Association is the period of 12 months ending on 31 December (a calendar year).

**56. Funds and accounts**

(1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

(2) Subject to any restrictions imposed by the Association at a general meeting, the Committee may approve expenditure on behalf of the Association within the limits of the budget.

(3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.

(4) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.

(5) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

**57. Accounts and audits**

The responsibility of the Committee under clause 34(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to –

(a) the keeping of accounting records;

(b) the preparation and presentation of the Association's annual statement of accounts; and

(c) the auditing of the Association's accounts.

**PART 8 – GRIEVANCE, DISPUTES AND INVESTIGATIONS**

**58. Grievance and disputes procedures**

(1) This clause applies to disputes between –

(a) a member and another member; or

(b) a member and the Committee.

(2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.

(4) The mediator must be –

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement –

(i) for a dispute between a member and another member – a person appointed by the Committee; or

(ii) for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.

(5) A member of the Association can be a mediator.

(6) The mediator cannot be a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must –

(a) give the parties to the mediation process every opportunity to be heard;

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

(11) If the mediation is in relation to a complaint or grievance arising from a race meeting or event and mediation fails or does not commence, then the Committee may appoint a Ad-Hoc Investigation Committee (AIC) to investigate the incident in accordance with this Part (Part 8).

**59 Race or event incident warranting investigation procedure**

(1) Upon complaint in writing setting out the grounds for the complaint the committee can consider investigating the circumstances of a complaint arising from a sanctioned race meeting or organised event.

(2) If the Committee considers that a member (or members) should be investigated because his or her conduct at an organised event or a sanctioned race meeting the Committee must;

(a) determine if the sub-regulations covering the meeting can adequately be applied to the circumstances of the complaint to address the complaint

(b) if necessary, form an ad-hoc Investigation Committee (AIC) comprised of at least three members one of whom should be the Public Officer;

(c) give notice of the proposed Investigation to the member or members likely to be affected.

(3) The notice to affected members including the complainant must –

(a) be in writing (including email) and include ––

(b) identify the names of the investigation committee (AIC) members; and

(c) set out the particulars of the complaint; and

(d) be provided to the member(s) no later than 30 days after the decision of the Committee to establish an ad-hoc investigation committee.

(e) advise the participants that if they fail to fully comply with reasonable requests of the AIC they may face suspension or expulsion. Reasonable requests may include:

(i) Attending meetings and properly participating with the AIC when given reasonable notice to do so

(ii) Providing such information as may be determined necessary by the AIC, either verbally or in writing, when given reasonable notice to do so

(iii) Be prepared to fully assist the activity of the AIC in conducting an investigation when reasonable to do so

(4) The ad-hoc investigation committee must afford the member a reasonable opportunity to be heard or to make representations in writing.

(5) Subject to the outcome of the investigation the AIC may make a recommendation to the Committee.

(6) Such a recommendation may be acted upon in accordance with PART 3 Division 3, Section 21 and 22.

(7)Subject to clause 22, the decision to suspend or expel a member takes effect immediately after notice of the decision is given.

**PART 9 – MISCELLANEOUS**

**60. Common seal**

(1) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.

(2) The affixing of the common seal of the Association must be witnessed by any 2 of the following:

(a) the Chairperson;

(b) the Secretary;

(c) the Treasurer.

(3) The common seal of the Association must be kept in the custody of the Secretary or another person the Committee from time to time decides.

**61. Distribution of surplus assets on winding up**

(1) If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remain any assets, the assets must not be distributed to the members or former members.

(2) The surplus assets must be given or transferred to another association incorporated under the Act that –

(a) has similar objects or purposes;

(b) is not carried on for profit or gain to its individual members; and

(c) is determined by resolution of the members.

**END**