



**The Constitution of the Quad Riders Association of S.A. Inc.**

Associations Incorporations Act. 1985

1. Name

The name of the Association shall be "Quad Riders Association of South Australia Inc"

2. Definitions

- A. "Committee" means the Committee of Management of the Association.
- B. "General Meeting" means a general meeting of members of the association convened in accordance with the rules.
- C. "Member" means a member of the association.
- D. "The Act" means the association incorporation Act 1985.
- E. "Special Resolution" means a special resolution defined by the Act.
- F. "Month" shall mean a calendar month.

3. Object and or purposes of the Association

The object and purpose of the Association to provide a club for South Australia ATV enthusiasts of all ages who want to ride with other quads in both competitive and non-competitive events, in a safe, social atmosphere where family and friends are welcome.

4. Government and Management

The Government and Management of the Association shall be voted in and exercised by the Committee elected by the members at the Annual General Meeting (A.G.M).

5. Annual Subscription

- A. The Annual Subscription fee for members shall be such a sum in dollars and cents as determined by the Committee at every A.G.M.
- B. The subscription fees shall be payable on January 1<sup>st</sup> or at such time as the Committee shall determine.
- C. Any member, whose subscription is outstanding for more than a period of six weeks shall cease to be a member of the Association, provided always that the Committee may reinstate such a person's membership on terms as it sees fit.
- D. Subscription fees will not be refunded to people who resign or cannot participate due to injury.

6. Resignations

- A. A member may resign from membership of its Association by giving written notice thereof to the Secretary, President or Public Officer of the association.
- B. Any member resigning will not be eligible for any refund of subscription for any reason.

7. Associations Right to Refusal

- A. The Association reserves the right to refuse membership to any person/persons that may be deemed a liability to the Association e.g.: a trouble maker, a person of questionable character, a person that may not act in the best interests of the Association or a person that may set-out to deliberately sabotage or undermine the standing of the Association.



- B. In the event a member's behaviour becomes violent, extremely offensive or unruly towards the Committee or other members of the Association, they will be kindly asked to cease their behaviour by a senior of the Committee.
- C. If the request of the Committee are not met they will be kindly asked to leave the function in question.
- D. If the requests are not met the person may be warned that the police are being contacted to escort them from the premises, the club may follow through with legal action at a later date if necessary.
- E. The rulings on section 7 will be exercised without prejudice, in the event the Committee exercises these rulings. The member/members in question shall be treated with the up most respect at all times by all members of the Association.
- F. At all times the member in question's rights will be taken into consideration, upheld and respected at all times.

## 8. Expulsion of a Member

- A. Subject to giving a member an opportunity to be heard or to make a written submission, the Committee may resolve to expel a member upon a charge of misconduct detrimental to the interest of the Association.
- B. Particulars of the charge shall be communicated to the member as soon as possible – or one month before the meeting of the Committee, at which the matter will continue.
- C. The determination of the Committee shall be communicated to the member, and in the event of an adverse determination to the member shall, (subject to section 8-D) cease to be a member fourteen days after the Committee has communicated its determination to the member.
- D. It shall be open to a member to appeal to the Association in general meeting against the expulsion, the intension to appeal shall be communicative to the Secretary, President or Public Officer of the Association within fourteen days of the determination of the Committee has been communicated to the member.
- E. In the event of an appeal under 8-D, the applicants membership for the Association shall not be terminated unless the determination of the Committee to expel the member is upheld by the members of the Association, and in such event membership will be terminated at the date of the original meeting at which the determination of the Committee was upheld.
- F. In the event should this take place a true and correct record will be kept by the Committee and signed by all senior Committee members at the time.

## 9. Drug Use

- A. The Association will not tolerate the use of class 'A' drugs in any way, shape or form. This includes speed, ecstasy, heroin, cocaine, anabolic steroids and any other illegal substances.
- B. Anybody found using/or in possession of these types of class 'A' drugs may be subject to expulsion from the Association.

## 10. Register of Members

A register of members must be kept and contain:

- 1. The name and current address of each member
- 2. The date on which each member was admitted to the Association
- 3. If applicable, the date and reason for termination of membership



## 11. The Executive Committee

- A. The affairs of the Association shall be managed and controlled by an Executive Committee which in addition to any powers and authorities conferred by these rules may exercise all such powers and do all such things as are within the objects of the association and are not by the act or by these rules required to be done by the association's General Meeting.
- B. The Executive Committee has the management and control of the funds and other property of the Association.
- C. The Executive Committee shall have the authority to interpret the meaning of these rules and any other matter to the affairs of the association on which these rules are silent.
- D. The Executive Committee shall appoint a Public Officer as required by the 'Act 1985'.
- E. The Executive Committee shall be supported by a General Committee.

## 12. The General Committee and Sub-Committees

- A. The appointed members of the General Committee and any Sub-Committee shall report to and assist the Executive Committee manage and control the affairs of the Association by carrying out the prescribed duties of the roles for which they have been elected.
- B. The President and Secretary shall have a seat and voting rights on any Sub-Committee.

## 13. Appointment

- A. The Executive Committee shall comprise of a Chairperson/President, Vice President, secretary and Treasurer.
- B. The General Committee shall comprise of a Memberships Secretary, Motocross Sub-Committee Chairperson and its' members, Enduro Sub-Committee Chairperson and its' members, Juniors Sub-Committee Chairperson and its' members, Magazine Editor, Website Administration, Grants Liaison, Marketing and Promotions Coordinator, Merchandise Coordinator, Motorcycling SA Delegate and National Quad Advisory Committee Delegate.
- C. The term of the Executive and General Committee shall be 12 months and all members shall be elected at the A.G.M.
- D. Sub-Committees may be formed either permanently or temporarily as and when required and comprise of any number of members as felt necessary by the Executive Committee.
- E. A Committee member shall be a natural person, functional, alive and must exist.
- F. A Committee member shall be elected at any General Meeting or A.G.M by majority vote, provided sufficient members are present to constitute a quorum.

## 14. General Meetings

- A. At least ¼ of all financial members must be present to constitute a quorum.
- B. The order of business at a general meeting shall be:
  - 1. Minutes
  - 2. Business Arising
  - 3. Correspondence
  - 4. Accounts
  - 5. Reports
  - 6. General Business



## 15. Annual General Meetings

- A. The Committee shall call and Annual General Meeting in accordance with the ACT and these rules
- B. **The first Annual General Meeting** shall be held within 12 months after the incorporate of the Association, and thereafter the second Wednesday of December.
- C. The order of business at the meeting shall be:
  1. The confirmation of the minutes of the previous A.G.M. and of any Special General Meeting.
  2. The Consideration of the accounts and reports of the Committee and the Auditor's report (if Auditors report is required).
  3. To receive the balance sheet of the Association for the past year.
  4. The election of the Committee members, Offices and Auditor.
  5. To consider any recommended alteration or addition to the constitution or rules of the Association, providing that they appear on published agenda to all members, as well as any other business requiring consideration by the Association.

## 16. Special General Meeting

- A. The Committee may call a Special General Meeting at any time.
- B. Upon a requisition in writing of not less than 15% of the total number of members of the Association, convene a Special General Meeting for the purpose specified in requisition.
- C. Every requisition for a Special General Meeting shall be signed by the relevant members and shall state the purpose of the meeting.
- D. If a Special General Meeting is not convened within one month, as required by section 16-B, the requisitioners, or at least 50% of their number, may convene a Special General Meeting. Such a meeting shall be convened in the same manner as nearly as practical as a meeting convened by the Committee, and for this purpose the Committee shall ensure that the requisitioners are supplied free of charge with particulars of the members entitled to receive a notice of meeting. The reasonable expenses of convening and conducting such a meeting shall be borne by the association.

## 17. Quorum at General Meetings

If within two hours of the time appointed for a General Meeting a quorum is not present the meeting shall stand adjourned to the same time and place the week following. If at the next meeting a quorum is still not formed those members present may transact the business for which the meeting was called.

## 18. Minutes

- A. Proper minutes of all proceedings of General Meetings of the Association and of meetings of the Committee, shall be taken and kept.
- B. The minutes kept pursuant to this rule must be confirmed by the members of the Association or the members of the Committee (as relevant) at a subsequent meeting.
- C. The minutes kept are pursuant to the rule shall be signed by the Chairperson/President of the meeting at which the proceedings took place or by the Chairperson of the next succeeding meeting at which the minutes are confirmed



- D. Where minutes are entered and signed they shall, until the contrary is proved, evidence that the meeting was convened and duly held, that all proceedings held at the meeting shall be deemed valid.

**19. Voting at General Meetings**

- A. Subject to these rules, every member of the Association has only one vote at a meeting of the Association,
- B. Subject to these rules, a question for decision at a general meeting, other than a special resolution must be determined by a majority of members who vote in person or, where proxies are allowed, by proxy, at that meeting.
- C. Unless a poll is demanded by at least five members, a question for decision at a general meeting must be determined by a show of hands.
- D. If voting is close, or some people are influential, the vote will be by secret ballot. This applies in A.G.M. meetings as well.

**20. The Seal**

- A. The Association shall have a Common Seal upon which its corporate name shall appear.
- B. The Seal shall not be used without the express authorisation of the Committee, and every use of the Seal shall be recorded. The affixing of the Seal shall be witnessed by the senior Committee members.

**21. Disqualification of Committee Members**

The office of a Committee member shall become vacant if a Committee member is:

- 1. Disqualified from being a Committee member by the ACT.
- 2. Expelled as a member under these rules
- 3. Permanently incapacitated by ill health
- 4. Absent without apology for more than four meetings in a financial year

**22. Committee Proceedings**

- A. The Committee shall meet together for the dispatch of business prior to the General Meetings.
- B. Questions arising at any meeting of the Committee shall be decided by a majority of votes, and in the event of equality of votes the President/Chairperson shall have the casting vote in addition to a deliberative vote.
- C. A quorum for a meeting shall be one half of the members.

**23. Banking**

- A. All banking shall be carried out with the Commonwealth Bank of SA.
- B. Cheques drawn on the Association account must be signed by two of the following three officers: Treasurer, Secretary and/or President.

**24. Duties of Officers**

- A. All office bearers shall carry out their duties in a highly professional manner and take pride in the Association at all times.
- B. The President/Chairperson shall carry out all direction of all meetings and ensure that all meetings are run to agenda and in accordance with the Constitution.



- C. The Secretary shall carry out all secretarial duties relation to their office, and keep a true and correct record of business of all meetings.
- D. The Treasure shall:
  - 1. Attend to all financial business, keep a detailed account of all monies received and paid out during his/her tenure of office, and bank all monies in the association's authorised banking account within seven days of receipt thereof.
  - 2. In no circumstances dispose of any of the funds to any member, cause or purpose whatsoever except when authorised by the meeting constituted by those rules.
  - 3. Keep his/her books to date and be ready at all times to lay before or hand over to the general meeting and book receipt or account on demand.
  - 4. Prepare a balance sheet for the A.G.M.

## 25. Winding Up

In the event of the Association winding up or going into recess, all monies and assets will be held by Motorcycling South Australia Inc in trust until the Association reforms. If after a period of 10 years the Association has not reformed, then the assets of the Association will become the property of Motorcycling SA Inc.

This constitution was first written and compiled by the Associations first Public Officer and President Robert W.E. Hickman, June 2001. It has been updated by the Associations second Public Officer and Secretary Bjorn D. Ludvigsen, December 2005. It has subsequently been updated by the Associations' Secretary Jodie A Wood, January 2008.