

**This is the annexure marked "A" referred to in the statutory declaration of:**

Name of public officer      JULIE ANNE STALKER

Made on (date)                11/12/2020

Before me                      Alan Stalker

(signature of witness on statutory declaration)

**This was completed by Julie Stalker and witnessed by Alan Stalker and lodged on 14/12/2020**

**10<sup>th</sup> December 2020**

# **CLASSIC HOLDEN CAR CLUB**

**OF THE**

**NORTHERN TERRITORY INC.**

# **CONSTITUTION**

# Association Regulations

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**Part 1 – CLUB REGISTRATION SCHEME** **27**



# Part 1 - PRELIMINARY

## 1. NAME OF ASSOCIATION

The name of the Association shall be the Classic Holden Car Club of the Northern Territory Incorporated, hereafter termed the Club.

## 2. OBJECTIVES AND PURPOSE

- a. To provide an organisation to foster the restoration, display and retention of Classic Holden's within the community and to promote fellowship within a social environment.
- b. To provide an organisation for the proper conduct and management of Club premises, real property, assets and other goods registered or known to be Club property.
- c. The priority and income shall be applied solely towards the promotion and objects or purpose of the Club and no part of that property or income may be paid or otherwise distributed, except in good faith in the promotion of those objects or purposes.
- d. The objectives of the Club are to provide an organisation for all members to help raise funds for any charitable or benevolent organisation that members see fit.

## 3. MEMBERSHIP

Two classes of membership shall be available to persons who are of good character within the community. They are Classic and General Membership. The criteria for admission to each or any class of membership shall be at the discretion of the committee taking note of the following clauses

a. to d. :

- a. Classic Membership is available to any person who is the owner of a Classic Australian built Holden in excess of 30 years old.
- b. General Membership is available to any person who owns an Australian built Holden that is not 30 years old.
- c. Any persons, who having met the criteria and/or agree to the stipulation for the classes of membership set out in paragraphs 3a and 3b, may apply for membership of the Club on the form as set by the Committee and by paying the joining fees or subscriptions set by the Committee and by being nominated by one Financial Member and seconded by another Financial Member. The applicant must then be approved at a Committee meeting by a majority of votes.
- d. The Club will maintain a minimum membership of 10 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 44;

“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 passed notice of which is given under clause 47 and passed in accordance with section 37 of the Act.

“Association” means the Club and will be referred to as the “Club” hereafter;

## **PART 2 - CONSTITUTION AND POWERS OF ASSOCIATION**

### **5. POWERS OF ASSOCIATION**

1. For achieving its objects and purposes, the Club has the powers conferred by sections 11 and 13 of the Act.
2. Subject to the Act, the Club 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, of 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.

### **6. EFFECT OF CONSTITUTION**

This Constitution binds every member and the Club to the same extent as if every member and the Club 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 Club 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.

## **PART 3 – MEMBERS**

### ***Division 1 – Membership***

#### **9. APPLICATION FOR MEMBERSHIP**

To apply to become a member a person must –

- (a) Submit a written application for membership to the committee –
  - (i) on a form approved by the Committee; and
  - (ii) signed by the person and both of the members referred to in paragraph (b); and
- (b) Be proposed by one member and seconded by another member.
- (c) Qualify as per Clause 3(a) and 3(b)

#### **10. APPROVAL OF COMMITTEE**

- (1) The Committee must consider any application made under clause 9 at the next available committee meeting and must accept or reject the application at that meeting or the next.
- (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 either-
  - (a) a pro-rata annual fee based on the remaining part of the financial year; or
  - (b) the amount determined from time to time by resolution at a committee meeting.

#### **12. ANNUAL MEMBERSHIP FEES**

- (1) The annual membership fee is the amount determined from time to time by resolution at a committee meeting.
- (2) Each member must pay the annual membership fee to the treasurer, accompanied by a signed membership form, by the first day of each financial year or another date determined by the Committee from time to time.
- (3) A member whose subscription is not paid within 30 days after the due date ceases to be a member unless the Committee determines otherwise, provided always that the Committee may re-instate such a persons membership on such terms as it may see fit.



## ***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 subclause (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 has been accepted.

### **15. NOTICE OF GENERAL MEETINGS AND SPECIAL RESOLUTIONS**

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 CLUB**

The following must be available for inspection by members-

- (a) a copy of this Constitution;
- (b) minutes of 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 Club.
- (2) The grievance or complaint must be dealt with by the procedures set out in Part 8 of the constitution.

### **18. ASSOCIATES OF MEMBERS**

- (1) An associate member is considered to be a family member under the age of 18 years or a full time student under the age of 21 years or a defacto partner.
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a committee or general meeting.

### ***Division 3 – Termination, death, suspension and expulsion.***

#### **19. TERMINATION OF MEMBERSHIP**

Membership of the club may be terminated by –

- (a) a notice of resignation addressed and posted to the Club or given personally to the Secretary or another committee member;
- (b) non-payment of the annual membership fee within the time allowed under clause 12(3); or
- (c) expulsion in accordance with this division
- (d) The resigning member may be requested to return all and any regalia that in any way that the resigning member is a member of the Club, whether the regalia was purchased from the Club at the members expense or whether the member received it from the Club at no cost to the said member.

#### **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) If the Committee considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Club, the Committee must give notice of the proposed suspension or expulsion of a member.
- (2) The notice must –
  - (a) be in writing 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 30 days before the date of the committee meeting referred to in paragraph (a) (i).
- (3) At the meeting, the Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.
- (4) The Committee may suspend or expel or decline to suspend or expel a member from the Club and must give written notice of the decision and the reason for it to the member.
- (5) Subject to clause 22, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is 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 Club 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. ROLES AND POWERS**

- (1) The business of the Club must be managed by or under the direction of a Management Committee.
- (2) The committee members may exercise all the powers of the Club except those matters that the Act or this Constitution requires the Club to determine through a general meeting of members.
- (3) The Committee may establish one or more sub-committees consisting of the members of the Club the Committee considers appropriate.

#### **24. COMPOSITION OF COMMITTEE**

- (1) The Management Committee consists of –
  - (a) President;
  - (b) Vice President;
  - (c) Secretary;
  - (d) Treasurer;
  - (e) 4 Committee Members
  - (f) any other office holder provided in the Schedule.
- (2) Unless elected directly as a separate office holder, the Committee must appoint one committee member to be the Club's public officer.

#### **25. DELEGATION**

- (1) The Committee may delegate to a sub-committee 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 financial member who is 18 years or over.
- (2) A Committee member must also meet the criteria as per Clause 30 of the Act.

- (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 for that member by another member prior to the Annual General Meeting.
- (2) The nomination must be signed by –
  - (a) the nominator and a seconder.
  - (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 member of the committee 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 subclause (3), at an Annual general Meeting the office of each member of the committee becomes vacant and elections for a new Committee must be held.
- (3) The President of the outgoing committee must preside at the Annual general meeting until a new member is elected as President.
- (4) Members may serve consecutive terms on the Committee unless otherwise provided in the Schedule

## **29. ELECTION BY DEFAULT**

- (1) If the number of persons nominated for election to the Committee under clause 27 does not exceed the number of vacancies to be filled, the President must declare the persons to be duly elected to the Committee at the Annual General Meeting.
- (2) If Vacancies remain on the Committee after the declaration under subclause (2), 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 President 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 in a manner determined from time to time by resolution at a general meeting.
- (3) The members chosen by ballot must be declared by the President to be duly elected as members of the Committee.

### **31. VACATING OFFICE**

The office of a committee member becomes vacant if –

- (a) the member –
  - (i) is disqualified from being a committee member under section 30 or 40 of the Act;
  - (ii) resigns by giving written notice to the Committee;
  - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical or ill-health;
  - (iv) ceases to be a member of the Association.
- (b) the member is absent from more than –
  - (i) 3 consecutive meetings; or
  - (ii) 3 committee meetings in the same financial year without tendering an apology to the President.  
  
of which meetings the member received notice and the committee has resolved to declare the office vacant; or
- (c) in any of the circumstances provided for by the schedule.

### **32. REMOVAL OF A COMMITTEE MEMBER**

- (1) The Club, 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 subclause (1), an election must be held 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 may appoint any member of the Association to fill that vacancy.

- (2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(b) of the Act to fill the vacancy.-

### ***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 Club complies with the act and regulations made under the Act.
- (3) Each member of the Management Committee will be responsible for;
  - (a) the retention of members.
  - (b) the procurement of new members including the accurate completion of membership applications, inspection of vehicles and the collection of fees.
  - (c) be the point of contact for members for any information relating to the Club and its activities or request for services.
  - (d) Inspection of members vehicles to check authenticity and sign Club authenticity form (R42) for CLUB registration application.
  - (e) Assist in coordinating all functions, meetings and events as arranged by the committee or its members for the benefit of members.
  - (f) Perform such other duties as imposed by the Committee

#### **35. PRESIDENT & VICE PRESIDENT**

- (1) Subject to subclauses (2), (3) and (4), the President must preside at all General Meeting and Committee Meetings.
- (2) If the President is absent from a meeting the Vice President must preside at the meeting. In doing so, the Vice President has all the powers and responsibilities of the President
- (3) If the President and the Vice President are both absent from the meeting the Secretary must preside at the meeting.
- (4) If the President, the Vice President and the Secretary are all absent, the meeting must be presided by –
  - (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.
- (5) The President shall assume full control of all Club Policy with Committee approval.

- (6) The President is the point of contact for any external contact, that being media, promotional activities and the release of all Club correspondence and all correspondence concerning the Club operations.
- (7) The President shall be a signatory on the Club bank account.
- (8) The President shall perform such other duties as imposed by the Committee.

### **36. SECRETARY**

The Secretary must –

- (1) Co-ordinate the correspondence of the Club.
- (2) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act.
- (3) maintain the register of members in accordance with section 34 of the Act; and
- (4) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Club, other than those required by clause 38(5) to be in the custody of the treasurer; and
- (5) perform any other duties imposed by the Constitution on the Secretary
- (6) be a signatory on the Club bank account
- (7) Perform such other duties as imposed by the Committee.

### **37. PUBLIC OFFICER**

- (1) The Public Officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 29 and 45 of the Act.
- (3) The Public Officer must keep a current copy of the constitution of the Club.

### **38. TREASURER**

- (1) The treasurer must -
  - (a) receive all monies paid to or received by the Club and issue receipts for those monies in the name of the Club.
  - (b) pay all monies received into the account of the Club within 5 working days after receipt.
  - (c) make any payments authorised by the Committee or by a General Meeting of the Club from the Club's funds; and
  - (d) ensure cheques are signed by him or her and at least one other Committee member, or by two other Committee members authorised by the Committee.
- (2) The Treasurer must ensure the accounting records of the Club are kept in accordance with section 41 of the Act.
- (3) The Treasurer must coordinate the preparation of the Club's annual statement of accounts.
- (4) If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.



- (5) ensure all new member and renewal fees are followed up and collected.
- (6) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Club unless the members resolve otherwise at a general meeting.
- (7) Perform such other duties as imposed by the Committee.
- (8) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

## **PART 5 - MEETINGS**

### **39. COMMITTEE MEETINGS**

- (1) The committee must meet for the conduct of business not less than 4 times in each financial year unless otherwise provided by the Schedule.
- (2) The President, or at least half the members of the Committee, 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.

### **40. VOTING AND DECISION MAKING**

- (1) Each Committee member present at the meeting has a deliberative vote.
- (2) A motion 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.

### **41. QUORUM**

For a committee meeting one half of the committee members constitutes a quorum unless otherwise provided in the schedule.

### **42. 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 a meeting.
- (3) Only the business for which the meeting is convened may be considered at a special Committee meeting.

### **43. DISCLOSURE OF INTEREST**

- (1) A member of the committee who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Club 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 President must ensure a Committee member who has a direct or indirect pecuniary interest in a contract, complies with section 32 of the Act

## PART 6 – GENERAL MEETINGS

### 44. CONVENING GENERAL MEETINGS

- (1) General Meetings will be held on a monthly basis or at frequencies as decided by the committee.
- (2) The committee will conduct the business of the committee whereby only committee members may vote but discussion is permitted by all members.
- (3) is will be followed by a general business section open to all members.
- (4) The general meeting dates, times and venue will be published in the Club newsletter and website.

### 45. SPECIAL GENERAL MEETINGS

- (1) 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 appeal to which the notice relates.
  - (c) must, within 30 days after it receives a request under clause 45(1), convene a special general meeting for the purpose specified in that request
- (2) Half the number of members constituting a quorum for a general meeting may make a written request to the Committee for a Special General Meeting.
- (3) The request must –
  - (a) state the purpose of the special general meeting; and
  - (b) be signed by the members making the request.
- (4) If the Committee fails to convene a Special General Meeting within the time allowed-
  - (a) for clause 44(3)(b) – the appeal against the decision of the Committee is upheld; and
  - (b) for clause 44(3)(c) – the members who make the request may convene a Special General Meeting as if they were the Committee.
- (5) If a Special General meeting is convened under subclause (3)(b), the Club must meet any reasonable expenses of convening and holding the Special General Meeting.
- (6) The secretary must give to all members not less than 21 days notice of a Special General Meeting.
- (7) 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.
- (8) A quorum as per Clause 49 is required at a Special General Meeting.

#### **46. ANNUAL GENERAL MEETING**

- (1) The Club must hold its first Annual General Meeting within 18 months after its incorporation.
- (2) The Club must hold all subsequent Annual General Meetings within 5 months after the end of the Association's financial year.
- (3) The secretary must give to all members not less than 30 days notice of an Annual General Meeting unless otherwise provided in the schedule.
  - a. 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.
  - b. 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; and
    - (c) third, any other business requiring consideration by the Club at the meeting.

#### **47. SPECIAL RESOLUTIONS**

- (1) A special resolution may be moved at any general meeting of the Club.
- (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 unless otherwise provided in the schedule.
- (3) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

#### **48. NOTICE OF MEETINGS**

- (1) The secretary must give a notice under this party by –
  - (a) serving it on a member personally; or
  - (b) sending it by post or electronic means to a member at the address of the member appearing in the register of members.
- (2) If a notice is sent by post or email under subclause (1)(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail or electronic means.

#### **49. QUORUM AT MEETINGS**

At a Annual General meeting 25% of financial members or 16 in total, whichever is the lesser, shall constitute a quorum.

## 50. LACK OF QUORUM

- (1) If within 45 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 44(3)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place;
  - (b) for a meeting convened under clause 44(3)(b) – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or
  - (c) for a meeting convened under clause 44(3)(c) - the meeting lapses.
- (2) If within 45 minutes after the time appointed by subclause (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 President 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.

## 50. VOTING

- (1) Subject to clause 14(2) and 18, each member present or by proxy at a general meeting is entitled to a deliberate vote.
- (2) At a general meeting –
  - (a) an ordinary resolution put to the vote is decided by a majority of votes made up 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) A poll may be demanded by the President or by three or more members present in person or by proxy.
- (4) If demanded, a poll must be taken immediately and in the manner the President directs.

## 52. 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 general meeting.

## **PART 7 – FINANCIAL MANAGEMENT**

### **53. FINANCIAL YEAR**

The financial year of the Club is from 1st July to 30<sup>th</sup> June.

### **54. FUNDS AND ACCOUNTS**

- (1) The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all of the Clubs revenue is deposited.
- (2) Subject to any restrictions imposed by the Club at a general meeting, the committee may approve expenditure on behalf of the Club within limits of the budget.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two committee members.
- (4) All funds of the Club must be deposited into the financial account of the Club no later than five 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 into the float is accurately recorded at the time of the transaction.

### **55. 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 from that part relating to –

- (a) the keeping of accounting records.
- (b) the preparation and presentation of the Club's annual statement of accounts; and
- (c) the auditing of the Club's accounts.

## PART 8 – GRIEVANCE AND DISPUTES

### 56. GREIVANCE 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 Club 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.

## **PART 9 – CLUB REGISTRATION SCHEME**

The Club recognises and adopts the Club Registration Scheme (CRS) Guidelines as stipulated by the Motor Vehicle Registry and shall act accordingly to maintain the Club status of “Approved Club” and monitor members use of Club Registered vehicles as per those guidelines.



## **PART 10 – BYLAWS**

- (1) The Club adopts by-laws as tabled separately.
- (2) Bylaws can be changed by the committee at a normal monthly General Meeting.

## **PART 11 – MISCELLANEOUS**

### **57. COMMON SEAL**

- (1) The common seal of the Club 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 Club must be witnessed by any two of the President, the Secretary and the Treasurer.
- (3) The common seal of the Club must be kept in the custody of the Secretary or another person the Committee from time to time decides.

### **58. DISTRIBUTION OF SURPLUS ASSETS ON WINDING UP**

- (1) If on the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities 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 and purposes;
  - (b) is not carried on for profit or gain to its individual members; and
  - (c) is determined by resolution of the members.

# SCHEDULE TO THE CONSTITUTION

## PART 1 – MANDATORY DETAILS

Name (clause 1)

## PART 2 – REPLACEABLE DETAILS

<b>Clause</b>	<b>Description of Clause</b>	<b>Default detail</b>	<b>Replacing Detail</b>
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*( If no entry is inserted in the column head "Replacing Detail", the "Default Detail" applies)*

## PART 3 – ADDITIONAL DETAILS

# BYLAWS

## PART 1 – CLUB REGISTRATION SCHEME

“Club Registration Scheme” shall herein after be referred to in the following bylaws as CRS.  
“The Classic Holden Car Club of the Northern Territory” shall herein after be referred to in the following bylaws as CHCC.

### 1. CORRESPONDENCE

- (1) The Club shall keep a record of all correspondence to CRS members and to Motor Vehicle Registry (MVR).
- (2) All correspondence will be noted in Club Minutes and stored with the Club Secretary and/or Database manager.

### 2. SIGNATORIES

- (1) The Classic Holden Car Club recognises the incumbent Committee positions of the committee to be Club signatories for the purposes of the MVR documentation and log books.

### 3. FORM R42

- (1) Club signatories shall sign off on MVR form R42 (application for ‘Club registration’)
- (2) A record of all forms shall be kept by the secretary or a member nominated by the committee.
- (3) Intra Territory members may send the form R42 via facsimile or mail for signature.
- (4) Upon new registration and/or renewal of CRS registration the member is required to forward a copy of the Registration Certificate by email to the email address of the CHCC.

### 4. ATTENDANCE

- (1) The Club will maintain a ‘Member Attendance List’ of CRS members which shall be electronically stored with the Club President and/or Secretary or a member nominated by the committee.

### 5. ACTIVE MEMBERSHIP

- (1) The MVR “CRS” guidelines stipulate a member must be active within their Club to avail themselves to CRS.

An active Club Member shall-;

- (a) be a continuing financial member of the Club at all times whilst holding CRS.
- (b) Attendance by the member is required at a minimum of three Club sanctioned events per financial year.
- (c) Intra Territory members shall comply with point (a) and are encouraged to attend events run by other Clubs within their area. These events must be acknowledged by the committee of the CHCC prior to the event by invitation to the member and/or the Club to participate, from the organising Club.

**6. LOG BOOKS**

(1) A committee person, or person nominated, shall sign the log books;

- (a) Following the completion of ten entries per page.
- (b) and at the time of signing a R42 application.
- (c) Intra Territory members are to copy the page from their log book and forward to the Club Secretary for signing.

This will be returned to the member and is to be stapled in to their log book.

**7. CONFORMING TO GUIDELINES**

(1) All members applying for Club Registration are recommended to obtain from the Secretary a copy of the Club Constitution and By-Laws.

(2) Any instance of a breach of the guidelines that brings the CHCC in to disrepute will be dealt with by the Club in the following manner;

- (a) Any notice of a breach of CRS shall be put to the Club committee at the earliest possible convenience.
- (b) The committee will address the breach at its next committee meeting.
- (c) The committee shall inform the member in writing of the said breach and advise the course of action to be taken should further breaches occur.
- (d) The member shall respond in writing to the committee or attend in person at the next committee meeting.
- (e) On the occasion of a second and subsequent breach the member is to respond in writing or in person to the CHCC committee as to why the member should retain their right to membership of the Club and subsequent concession registration.
- (f) Copies of correspondence in relation to a second or subsequent breach will be forwarded to MVR.
- (g) Membership of the CHCC will be terminated by the committee should the member bring the Club into disrepute for breaches of the Club Constitution and associated Bylaws. MVR will be notified of the termination of membership and thus the cancellation of their CRS will take effect immediately.

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## NOTES FOR STATUTORY DECLARATIONS CONCERNING CONSTITUTIONS

A copy of the constitution must be attached to the Statutory Declaration.

The witness to the Statutory Declaration must complete the following annexure clause on the first page of a copy of the Constitution;

THIS IS THE ANNEXURE MARKED 'A' REFERRED TO IN THE STATUTORY

DECLARATION OF Julie Stalker

MADE ON THE 14<sup>th</sup> DAY OF December 2020

BEFORE ME Alan Stalker