

AUSTRALIAN KARTING ASSOCIATION INC

STATEMENT OF PURPOSES

Chapter 1 - Preamble

Recognising the necessity for the uniform administration of the sport of karting in Australia subject to the International Sporting code of F.I.A., respective of all competitive motor sport subject to, and by delegation from the F.I.A., to duly constituted body representative of the participants in the sport of karting, to be known as the National Kart Council of Australia, NOW THEREFORE delegates representing all states of Australia, such Council being the national executive committee of an association of kart clubs in Australia to be known as the Australian Karting Association Inc. (A.K.A.) and undertake for themselves and their successors to administer and control the sport of karting in accordance with the requirements of the Federation Internationale de L'Automobile; AND TO THAT END such delegates aforesaid do hereby enact, adopt and agree to abide by the following constitution and Competition Rules for Karting in Australia.

The purposes of the Association are:

- a) To promote and protect the sport of Kart Racing;
- b) To promote excellence and just and honourable practices in the sport and to suppress malpractices;
- c) To promote and organise Kart meetings and other functions for members;
- d) To all such acts which, in the opinion of the Association are for the general benefit of members or of Karting.

RULES

1. Name:

The name of the Association is the Australian Karting Association Inc.

2. Membership

The member associations of the Association are the State Karting Associations of the six States of Australia and of the Northern Territory:-

Australian Karting Association (Tas) Inc.
Australian Karting Association (SA) Inc.
Australian Karting Association (NSW) Inc.
Australian Karting Association (QLD) Inc.
Australian Karting Association Northern Territory (Inc)
Victorian Karting Association Inc.
KartingWA Inc;

and such other incorporated Karting Associations which all existing members agree to admit to membership.

3. Cessation of Membership

A member association ceases to be a member:-

- (a) one year after notification in writing to the National Secretary of intention to withdraw from the Association, unless within that year the notification is withdraw.
- (b) six months after notification by the National Secretary to the State Secretary of the member that there are membership fees owing and that failure to pay within six months will result in cessation of membership, unless within that time the membership fees are paid.

4. **Register of Members**

The National Secretary must keep a Register of members, the name, contact address, and date of joining of each member association.

5. **Subscription**

The annual subscription for the following calendar year is determined at the Annual General Meeting of the Association.

There is no joining fee.

6. **Discipline of Members**

- (a) The Council may discipline a member of the Association by:-
 - (i) expelling the member; or
 - (ii) warning the member that it may be expelled if it continues to act in the specified manner of which it disapproves; or
 - (iii) fining the member.
- (b) A motion at a meeting of the Council for the disciplining of a member association shall be made upon at least 21 days notice.
- (c) [Blank]
- (d) The member association named in the motion must be given at least 21 days notice by delivering to its contact address in the Register of Members, notice:
 - (i) of the conduct complained of; and
 - (ii) that it is entitled to present oral or written evidence or arguments to the Council at a meeting on a given date.
- (e) At the meeting, the Council must:
 - (i) give the member association, if requested by one or more of its members, the opportunity to be heard, and
 - (ii) consider any written document presented by it or on its behalf
- (f) The Council may then, by an absolute majority of its members, determine:
 - (i) whether to discipline the member association and
 - (ii) whether the penalty should be expulsion, a warning or a fine.

The imposition of a fine or expulsion of a member will be by a minimum 70% majority vote of members only.
- (g) A decision of the Council in accordance with the procedure set out above to discipline a member and to impose a penalty is final and no appeal to a General Meeting is permitted.
- (h) The disciplinary powers contained in this rule are separate from any disciplinary powers exercised by the Council under the competition rules of the National Karting Council.

6A. **Discipline of Members' Office-Holders**

Where the Council considers an office-holder of a member association has acted in any way to the prejudice of karting, then the Council by simple majority may:-

- (i) make a Complaint under the Association's Competition Regulations to the national Tribunal Registrar;
- (ii) request such member association to take disciplinary action against such office-holder failing which the Council may discipline that member association under rule 6 herein; and/or,
- (iii) remove such office-holder from any post he holds within the Association.

6B. **Alternative Dispute Resolution**

- (a) The grievance procedure set out in this rule applies to disputes under these Rules between, -
 - (i) a member and another member; or
 - (ii) a member and the Association.
- (b) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (c) 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, hold a meeting in the presence of a mediator.
- (d) The mediator must be -
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement:-
 - (A) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (B) in the case of a dispute between a member and the Association, a person who is a mediator appointed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (e) A member of the Association can be a mediator.
- (f) The mediator cannot be a member who is a party of the dispute.
- (g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (h) The mediator, in conducting the mediation, must:-
 - (i) the parties to the mediation process every opportunity to be heard; and
 - (ii) allow due consideration by all parties of any written statement submitted by any party; and
 - (iii) that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (i) The mediator must not determine the dispute.
- (j) 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.

7. **The Council**

The Association is managed by a Council to be known as the National Karting Council, consisting of one delegate from each member association as voting members, and the members of the Executive as non-voting members. A delegate must at the time of nomination be a member of a State Association.

8 **Powers of the Board**

Subject to any decision of a General Meeting of the Association, the Council is ultimately responsible for determinations and policy decisions of the Association and has power to do anything necessary or convenient to achieve the purposes of the Association including:

- (a) the delegation of the State Karting Councils with power to withdraw such delegation of such powers and responsibilities as may from time to time be deemed desirable;
- (b) the arrangement of the National Kart Council Calendar and the allocation of the Australian Kart Championships;
- (c) approve any amendments from time to time of Kart Formulae;
- (d) approve amendment from time to time of General Kart Regulations;

- (e) approve any policy with respect to the issue of licences to competitors and drivers in Kart competitions, and of permits to organisers of such competitions in accordance with the General Kart Regulations;
- (f) the enforcement of any legal instruction relating to Karting issued on behalf of the Federation International de l'Automobile;
- (g) the consideration and adoption of any suggestion made by State Karting Councils;
- (h) the maintenance of due liaison and information regarding Karting matters with the Confederation of Motor Sport;
- (i) the arbitration of disputes between State Karting Councils or between clubs in different States;
- (j) To approve any exercise of powers by the Executive under rule 12 herein.
- (k) the Council may consider any agenda or non agenda items at meetings as it sees fit.
- (l) the Council are in place for the benefit of the sport Nationally and shall in most situations take advice from its state.

9. The Council may make regulations not inconsistent with these Rules or the International Sporting Code of the Federation International de l'Automobile for the better management of sport of karting in Australia.

10 **Election of Officers**

At the Annual General Meeting of the Association the following officers of the Executive are elected by the delegates from persons who have:

- (i) been nominated in writing to the Secretary at least one month before the meeting by member associations; and
- (ii) must (unless the meeting otherwise agrees) be present at the meeting.
 - (a) National President
 - (b) National Vice President
 - (c) National Secretary
 - (d) National Treasurer
 - (e) National Executive Member

If there is a tied vote on the election of any officer of the Executive, the retiring Executive members together have one casting vote.

If a person was delegate at the time of his/her election as an officer, he/she ceases to be so on election.

11(a) The officers of the Executive take office at the conclusion of the Annual General Meeting and hold office for the period expiring at the conclusion of the next Annual General Meeting.

- (i) in the case of the President and Vice President in the year after the year of their election;
- (ii) in the case of all other officers in the year after the year of their election.

All officers are eligible for re-election.

(b) Any officer of the Executive may be removed by a vote of six delegates at a meeting of the Council.

12 **Powers of the Executive**

Subject to the Council being ultimately responsible for the administration of the Association, and any specific provision elsewhere in these Rules, the Executive has power, subject to the Council's endorsement or approval, to oversee the day to day operations of karting and in particular:

- (a) to administer and control the sport in accordance with the regulations in the periods between Council meetings;
- (b) to interpret and enforce the Regulations;
- (c) to propose items for discussion and resolution at a General Meeting;
- (d) to impose such levies, penalties, fees, fines, contributions and subsidies as fixed by the Council necessary, and the enforcement of collection of such amounts from any State Karting Council, Club, group or individual as permitted by the Australian General Karting Regulations;
- (e) to arrange the National Kart Council Calendar and the allocation of the Australian Kart Championships;
- (f) to draw up amendments from time to time of Kart Formulae;
- (g) to compile and amend from time to time of General Kart Regulations;
- (h) to issue licences to competitors and drivers in Kart competitions, and of permits to organisers of such competitions in accordance with the General Kart Regulations;
- (i) to negotiate insurance for member associations, their clubs, drivers, officials and spectators;
- (j) to maintain of a central registry of Kart licences;
- (k) to establish, coordinate and support National Advisory Committees under rule 12A herein comprised of one delegate from each member association and chaired by a member of the Executive;
- (l) to reimburse any member, servant or agent for any out of pocket expenses properly incurred on the Association's behalf and the payment to any such member, servant or agent of such wage, honorarium or return for services rendered as the Association shall think fit.

12A **National Advisory Committees**

- (a) The Executive will establish, co-ordinate and maintain the following National Advisory Committees –
 - (i) Administration and Events Competition committee, chaired by the National Secretary;
 - (ii) Finance & Member Services Committee, chaired by the National Treasurer;
 - (iii) National Technical Committee, chaired by the National Vice-President;
 - (iv) National Officials Committee, chaired by the National President;
 - (v) National Track Safety Committee, chaired by the National Executive Member;
 - (vi) Vintage and Historical Karting Committee chaired by the National Treasurer.
- (b) The National Advisory Committees will each be comprised of seven persons, one person to be nominated by each member.
- (c) The National Advisory Committees will be chaired by the member of the Executive indicated in rule 12A(a) above, who is not entitled to vote (except as provided in rule 12A(f) below) and who will conduct meetings in accordance with any rules, agenda and directions provided by the Executive.

- (d) Each Committee chairman will appoint a person who is a member of that Committee to record the minutes of each meeting.
- (e) Each Committee will co-ordinate and maintain the rules and operations of karting within its respective area of responsibility and subject always to the endorsement of any decision by the Executive and/or the Council.
- (f) Decisions of each Committee will be carried by a simple majority and the Chairman of each Committee is entitled to a casting vote where there is a tie in voting.

13 **Vacancies on the Council**

A delegate remains a member of the Council until:

- (a) he resigns;
- (b) a new delegate is nominated by his State association to replace him
- (c) his State association ceases to be a member association of the Association;
- (d) he is removed in accordance with Rule 6A(a).

14 **Conflicts of Interest**

An officer member of the Council or member of any sub-committee of the Association who has any direct or indirect interest in any present or anticipated contract agreement or arrangement with the Association must declare that interest at the first meeting of the Council or the sub-committee (as the case may be) after he becomes aware of the interest or the contract agreement or arrangement, and must not vote in respect of the matter.

15 A person ceases to be an officer of the Executive:

- (a) at the end of his term of office, unless he is re-elected;
- (b) on receipt of his written resignation from that office;

16 **Filling Casual Vacancies**

A casual vacancy in any of the offices of the Association, apart from delegates to the Council, may be filled by the Executive subject to ratification at a subsequent meeting of the Council.

17 A casual vacancy in the number of delegates on the Council must be filled by the nominee of the member association of which the ceasing delegate was a member.

18 **Quorum at Council Meetings**

The quorum at a council meeting of the Council is four delegates.

19 **Number of Council Meetings**

The Council must meet at least once a year. A meeting of the Council must be called if a majority of delegates so request. A meeting called as the result of a request must be held within two months of the receipt by the National Secretary of the request. If a majority of delegates agrees any meeting of the Council other than the meeting held in conjunction with the Annual General Meeting may be conducted by telephone conference.

20 **Notice of Council Meetings**

At least one month's notice must be given of a Council meeting unless a majority of delegates agree that it is necessary to hold the meeting, either in person or by telephone conference, with a shorter period of notice.

21 **Council Meetings Not Public**

Meetings of the Council are conducted in private but the Council may determine that part of the meeting be opened to the press or other observers. The Council may permit a person other than a delegate or officer of the Executive to address it.

22 **Decisions of Council Meetings**

All decisions at Council meetings are made by simple majority of those delegates present and voting. The person presiding does not have a casting vote. A tied vote shall be deemed to be resolved in the negative.

23 **General Meetings**

Time for Annual General Meeting:

An Annual General Meeting must be held each year in the months of July or August or such other month as the Council determines.

24 **Business of the Annual General Meeting**

The business of the Annual General Meeting is to:

- (a) receive the President's Report
- (b) receive and consider the financial statement required by Section 30 (3) of the Associations Incorporation Act 1981 (Victoria)
- (c) elect officers of the Executive;
- (d) appoint an auditor, and
- (e) consider such other business of which at least two month's notice has been given to the National Secretary.

25 **Special General Meetings**

A special General Meeting must be called if a majority of delegates requests one. Unless so requested, it is not necessary to hold a Special General Meeting in any year. The only business which can be considered at a Special General Meeting is that set out in the Notice of the Meeting.

26 **Period of Notice of General Meetings**

At least one month's notice of every General Meeting, including the Annual General Meeting, must be given by way of email, ordinary mail or other suitable means determined by the Association..

Postal Votes:

Please refer to the AKA "NKC Postal Votes Policy Document".

In accordance with this policy once the National Office has prepared a postal vote it shall be circulated by email to the NKC Delegates with a copy to the State Secretaries. No vote shall be received for a period of three calendar days from the distribution date of the postal vote to enable the NKC time to discuss and debate the item put forward for decision. Notification of the result shall be communicated to the states once a clear decision has been decided.

A non-response to the motion shall be recorded as a response in the negative.

27 **Form of Notice of General Meetings**

A notice stating:

- (a) the place, date and time of the General Meeting;
 - (b) the nature of the business to be considered;
 - (c) if any special resolution has been proposed, the text of any such motion and a statement that it is intended at the meeting to propose the motion as a special resolution must be delivered to the State Secretary of each member association at the address notified in the Register of Members and to each delegate at the address last notified to the National Secretary by that delegate.
- 28 A document which is posted and correctly addressed, unless the contrary is proved, is deemed to have been given to the addressee at the time at which the letter would have been delivered in the ordinary course of post.
- 29 **Quorum at General Meeting**
Four delegates present in person or by proxy constitutes a quorum at a General Meeting.
- 30 **Proxies at Council Meetings and General Meetings**
Each member association must appoint, in addition to its delegate, an alternate delegate who must also be a member of the State Association. An alternate delegate can exercise all powers given by these Rules to a delegate, if the delegate is unable to do so.
- 31 If neither the delegate nor the alternate delegate of a member association is able to attend a General Meeting or a Council meeting, the member association by an authority signed by its President or Secretary and produced to the National Secretary may grant a proxy to the delegate of another member association. No delegate may exercise more than one proxy.
- 32 **Decisions at General Meetings**
All decisions at General Meetings other than
- (a) a resolution to alter the name, the Statement of Purposes or the Rules of the Association,
- OR
- (b) any other resolution required by the Associations Incorporation Act 1981 to be a special resolution,
- OR
- (c) a re-submission of any resolution,
- are decided by a simple majority of votes cast. Any decisions referred to in sub-rules (a), (b) or (c) of this rule must be decided by special resolution.
- 33 **Special Resolutions**
As prescribed by the *Associations Incorporation Act 1981*, a special resolution is a resolution agreed to by at least three-quarters of the delegates of member associations who are present in person or by proxy and who vote on the resolution at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in the manner required by these Rules, at least 21 days prior to the meeting.
- 34 **Secretary's Responsibilities**
It is the responsibility of the National Secretary to:
- (a) keep records and files of meetings;
 - (b) keep stocks of necessary forms and licences and issue them as required;
 - (c) arrange meetings of Council and the Annual General Meeting;

- (d) carry out the directions of the Council and the Executive;
- (e) generally to perform the administration of the Association.

35 **Treasurer's Responsibilities**

It is the responsibility of the National Treasurer to keep the books of the Association including

- (a) the production of financial reports to the Council and the member association;
- (b) the collection, banking and investment of all money received by the Association;
- (c) the payment at the direction of the Executive of all expenses incurred by the Association;
- (d) the preparation of the annual financial statements for the Annual General Meeting.

36 **Management of Funds**

All moneys received must be deposited in a bank account or accounts in the name of the Association. All payments from the account or accounts must be by cheque. All cheques must be signed by two persons who are officers of the Executive or other persons appointed by the Council for that purpose.

- (a) All money's received by the association must be deposited in a bank account or accounts in the name of the association.
- (b) payments may be made by cheque. All cheques must be signed by two (2) persons from a member appointed by the Council for that purpose.
- (c) The Council may approve the use by specified person, of electronic funds transfers in conjunction with a member of the Executive.
- (d) The Council may approve the use by specified persons, of a credit card to draw on an account of the Association, and must specify the terms under which the card may be used.

37 **Financial Year**

The financial year of the Association ends June .

38 **Derivation of Funds**

The funds of the Association are derived from subscriptions, licence fees, meeting permits, fines and such other sources as the Council agrees to.

39 **Common Seal**

The National Secretary is responsible for the custody of the Common Seal, which must only be affixed in accordance with a resolution of the Council, and in the presence of two delegates or one delegate and one officer of the Executive.

40 **Books and Records**

The National Treasurer is responsible for the custody of the books, records and securities of the Association, other than the Minute Books and the Register of Members, for which the National Secretary is responsible.

41 **Inspection of Documents**

- (a) Any book and record of the Association may be inspected upon 30 days' notice to the National Secretary or National Treasurer whoever is responsible in accordance with the previous rule, by any officer of the Executive.
- (b) A delegate or any person authorised in writing by a member association may inspect the rules, register of members and minutes of general meetings of the Association, upon 30 days' to the National Secretary.

(c) Any inspection of the books, records or documents not otherwise permitted under rules 41(a) and (b) above, must be approved by the National Karting Council by resolution, upon the National Secretary having received a request in writing which specifies the books, records or documents sought to be inspected and the purpose of such inspection. The National Karting Council may place reasonable conditions on any approval it gives under this rule 41(c) with respect to time, place, confidentiality and cost of such inspection.

42 **Alteration of Statement of Purposes or Rules**

The Statement of Purposes and Rules may only be amended by a Special Resolution passed at a General Meeting of the Association. Any alteration so passed does not take effect until it has been lodged with, and approved by the Registrar of Incorporated Associations.

43 **Disposal of Assets on Winding Up**

The Association is prohibited from making any distribution to its members, whether in money, property or otherwise howsoever, of any assets belonging to the Association and provided however that this shall not prevent payment in good faith of remuneration to any officers or servants of the Association or of benevolent payments for which provision may be made from time to time in this Constitution.

If upon the winding up or dissolution of the Association there remains after satisfaction of its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among its members but shall be given or transferred to some other institution having objects similar (wholly or in part) to its objects and which shall prohibit the distribution of its or their income and property amongst its members, such institutions to be determined by the members at or before the time of dissolution and if and only so far as effect cannot be given to the aforesaid provision then to some charitable object or objects.

END OF CONSTITUTION