

# **Australian Independent Dirt Kart Association Pty. Ltd.**



## **CONSTITUTION**

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### **1.C THE NAME OF THE ASSOCIATION**

"Australian Independent Dirt Kart Association Incorporated"  
(Hereinafter referred to as the Association)

### **2.C OBJECTIVES**

- (a) to promote and advance the sport of kart racing on dirt
- (b) to promote fair and honorable practices and excellence in the sport
- (c) to promote positive cooperation between all members for the good of the sport
- (d) to act with other Associations and like sporting bodies to our mutual welfare
- (e) to promote and oversee dirt kart race meetings and other events for the benefit of the members
- (f) to do all such acts which, in the best considered opinion of the Association, protect the sport and guard the best interest of its members

### **3.C INTERPRETATION**

In this Constitution/Rules/Regulations, unless the contrary intention appears:

"Officer"	means an elected member of Council
"Council"	means the Council of Management of the Association
"Meeting"	means a general meeting of the members of the Association convened in accordance with the Constitution/Rules
"Member Club"	Means an Association affiliated club
"Member"	means a member of an Association affiliated club
"The Act"	means the Association Incorporation Act 1985
"The Regulations"	means the Associations Regulations

### **4.C MEMBERSHIP**

All Incorporated clubs who have or will be accepted for affiliation by the AIDKA Inc. form the body of the Association under conditions as laid out in the Regulations

- (a) Fees for membership (refer to 1(R))
- (b) The Joining fee for affiliation to AIDKA
- (c) An annual fee for affiliation to AIDKA is to be set at each Annual General Meeting and is payable by January 31<sup>st</sup> to be deemed financial.

### **5.C TERMINATION OF MEMBERSHIP**

All or any affiliated Clubs cease to be a member is;

- (a) Membership fees are outstanding 3 months after invoice/notification by the Association
- (b) Conduct detrimental to the Association or the sport is proven and notification given
- (c) Notification is given in writing to the Association of the members wish to resign
- (d) Cause be given under the Regulations

### **6.C DISCIPLINE OF MEMBERS**

The Association may discipline a Member Club or member by suspension, expulsion, or fine as laid out in the Regulations.

### **7.C THE COUNCIL**

The Association shall be managed by a Council consisting of one Delegate from each Member Club, as voting members, under conditions as laid out in the Regulations. The powers and responsibilities of the Council will be as specified in the Regulations.

### **8.C THE EXECUTIVE**

The Council will delegate the day to day management of the Association to the Executive. The Executive personnel will have one casting vote. The Executive will at all times take its direction from the Council and will always be answerable to the Council. The responsibilities of the Executive will be as specified in the Regulations.

The Executive will consist of a President, Vice President, Secretary, Treasurer, National Technical Officer, National Track Safety Officer, National Steward Coordinator and National Scrutineer Coordinator.

The correct interpretation of the Rules shall be decided by the AIDKA Executive Committee whose decision shall be final (as per rulebook 4.1)

The affairs of the Association shall be managed and controlled by an Executive Committee who shall report to the council. In addition any powers and authorities conferred by these rules, including the power to overrule at Club level in case of dispute between member(s) and club officials including interpretation of Rules. They may exercise such powers and do all things as are within the objects of the Association and are not within rules to be done by the Association at a General Meeting.

### **9.C RESIGNATION OF EXECUTIVE OR OFFICER**

A person ceases to be Officer if:

- (a) Conduct detrimental to the Association or the sport is proven and notification given
- (b) Notification is given in writing to the AIDKA Inc of that members wish to resign
- (c) Fails to attend three (3) consecutive meetings (excluding holidays or notified illness)
- (d) Cause be given under the Regulations

### **10.C DISCIPLINE OF EXECUTIVE OR OFFICER**

The Association may discipline an Executive Officer or delegate by suspension, dismissal or fine as laid out in the Regulations.

### **11.C PENALTIES**

Clubs failing to abide with an AIDKA directive will be subject to the following penalties

- (a) First offence up to one (1) month suspension of AIDKA membership
- (b) Second offence within twelve (12) months of the first offence up to twelve (12) months suspension, Up to \$500.00 maximum fine
- (c) AIDKA directives can only come from a decision of the AIDKA Council

### **12.C SUB COMMITTEES**

The Association may from time to time form Sub-Committees and delegate some of its powers. These Sub-Committees will be composed of members of the Association, chaired by a member of Council, and will act within the guidelines as specified in the Regulations.

### **13.C OFFICERS OF THE COUNCIL**

The Association will elect persons to hold positions of Office for the Council. The positions, powers and responsibilities of Officers will be as specified in the Regulations.

### **14.C QUORUM FOR MEETINGS**

- (a) The quorum of Annual General Meetings is fifty (50) percent of Delegates plus one (1)
- (b) A quorum for Council Meetings shall be more than seven of the member clubs
- (c) A quorum for Executive Meetings is fifty (50) percent plus one (1)

### **15.C ANNUAL GENERAL MEETING**

There will be one (1) Annual General Meeting held each calendar year, within 6 weeks after the end of the period covered by financial statements of the Association. The format and protocols for the Annual General Meeting is as laid out in the Regulations.

## **16.C PERIODS OF OFFICE**

- (a) The AIDKA Council officers will be the governing body of the Association
- (b) The Executive will hold office for two (2) years with half the committee elected each year at the AGM. The split of the committee will be:
  - Group (1)  
President, Secretary, National Track Safety Officer and National Steward Coordinator.
  - Group (2)  
Vice President, Treasurer, National Scrutineer Coordinator and National Technical Officer
  - Group (3)  
Administrative assistants Non executive/ Non-Voting
    - 1. State/Territory Licence Secretary/s shall be appointed for 2 years
    - 2. Publicity officer shall be appointed annually at the Annual General Meeting
    - 3. Web Site Administrator- this position will be via Tender
    - 4. Public Officer – ongoing position
    - 5. Rule Change Panel - Consisting of 2 Executive members and 3 Club Representatives. 2 Executive members to be chosen by the Executive Committee annually and announced at the following council meeting. 3 Club Representatives will be elected by the clubs and voted on at the next council meeting.

## **17.C COUNCIL MEETINGS**

The Council must meet together a minimum of four (4) times per financial year. The format and protocols for General Meetings is as laid out in the Regulations.

- (a) AIDKA Council meetings four (4) with the option on an extra two (2) meetings to deal with complex issues
- (b) One (1) of those meetings (August) to deal with supplementary regulations only for the following year. The issues will be voted on at the (August) meeting, but will be tabled at the prior meeting
- (c) One (1) of these meetings (August) to deal with rule change motions annually. The issues will be discussed at the meeting. The attending clubs will vote on motions via email not later than 28 days after the meeting.
- (d) A convenient venue for meetings will apply.

## **18.C DECISIONS AT COUNCIL MEETINGS**

- (a) Council Meeting:
  - Motions put forward and seconded can be discussed and voted on at the same meeting. Some motions may go back to the clubs for discussion and voted on via email within 28 days if required by delegates.
  - Voting will not be compulsory but strongly recommended.
  - Voting at council meetings will be by show of hands. In the event of a tied vote the Executive will have the casting vote.
  - Safety rules at all times may be voted on at the Council meeting (duty of care).
- (b) Annual General Meeting:
  - A club committee representative or proxy delegate must be present at that meeting for that club to be eligible to vote on the day.
- (c) Special General Meeting:
  - A club committee representative or proxy delegate must be present at the meeting for that club to be eligible to vote on the day.
- (d) Rule Changes
  - Rule changes will be assessed by an elected panel consisting of 2 Executive members and 3 elected club representatives. Clubs will be able to submit rules at any time for assessment of the panel. All rule changes will need to be approved by Council before taking effect in the following years Rule Book. Supplementary Rules and Regulations remain in force until AIDKA removes approval.
  - Exemption: Should a rule become unworkable then the AIDKA Rule Change Panel have the power to amend or relinquish the rule.

## **19.C EXECUTIVE MEETINGS**

The Executive shall meet as often as is necessary to facilitate the effective day to day running of the Association, no less than six (6) Executive meetings shall be held each calendar year. The format and protocols for Executive meetings are as laid out in the Regulations.

- (a) A convenient venue for meetings will apply

#### **20.C SPECIAL GENERAL MEETINGS**

Special or Extra-Ordinary General Meetings will only be called if requested by three (3) or more affiliated clubs. Only business nominated on the agenda (Special Resolution etc.) can be discussed at a Special General Meeting. The format and protocols for Special General Meetings is as laid out in the Regulations.

#### **21.C SPECIAL RESOLUTION**

As prescribed by the Association Incorporation Act 1981, a Special Resolution is a resolution agreed to by at least three-quarters (75%) of the Council/Delegates of Members who are present in person or by postal vote (signed by President and Secretary on Club letterhead) 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 the Regulations and at least twenty eight (28) days prior to the meeting.

#### **22.C FINANCIAL YEAR**

The financial year of the Association shall be the period ending October 31st each year.

#### **23.C FINANCIAL MANAGEMENT AND AUDITING**

It is the responsibility of the Treasurer to maintain the books of the Association to allow:

- (a) The production of financial reports to the Council and the Members for perusal
- (b) The collection, banking and investment of all money received by the association
- (c) The payment at the direction of the Council of all nominated expenses incurred by the Association
- (d) After due auditing by a Registered Auditor, the preparation of the Annual Financial Statements for presentation to the Annual General Meeting
- (e) Any other duties as laid out in the Regulations

#### **24.C MANAGEMENT OF FUNDS**

All moneys received must be deposited in bank accounts in the name of the Association. All payments from the bank account/s can be by cheque, Association Debit Card or Electronic Fund Transfer where applicable. All cheques must be marked Not Negotiable and Account Payee Only and be drawn to the order of the person in whose favor the cheque is made. Two (2) persons, who are Officers, Executives or authorized signatories appointed by council must sign all Cheque Account and Electronic Fund Transfer transactions, No transactions of association funds shall be conducted in cash.

#### **25.C BOOKS AND RECORDS**

The Council through the Treasurer and Secretary is responsible for the custody of all books, records and securities of the Association.

#### **26.C INSPECTION OF DOCUMENTS**

Any book or record of the Association may be inspected upon reasonable notice to the Secretary or the Treasurer by any Officer of the Council, the Executive or Delegate or by any person authorized in writing by a members to do so.

#### **27.C COMMON SEAL**

The 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 (2) Delegates or one Delegate and one Officer of the Council.

#### **28.C VESTING OF PROPERTY**

All real and personal property of the Association shall vest in the Association corporate name as is provided by the provision of the "Clubs Incorporated Act, 1929-1955".

### **29.C DISSOLUTION AND DISTRIBUTION OF ASSETS**

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. Provided however, that this shall not prevent payment in good faith or remuneration to any Officers or Servants or of benevolent payments for which provision may be made from time to time in the Constitution.

If upon 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 amongst the Members of the Association, but shall be given or transferred to some other institutions have objects similar (wholly or in part) to those of the Association and which shall prohibit the distribution of its or their income and property amongst its Members. Such institution or institutions to be determined by the Members of the Association at or before the time of dissolutions and it and so far as effect cannot be given to the aforesaid provision then to some charitable Objects or Objects.

### **30.C POWERS OF THE ASSOCIATION**

The association shall have all powers conferred by section 25 of the Act.

### **31.C AMENDMENT TO THE CONSTITUTION**

Neither this Constitution nor any part of it shall be repealed, amended or added to unless the same be approved by a resolution passed by seventy five (75%) percent of the Delegates at the Annual General Meeting or an extraordinary resolution passed by seventy five (75%) percent of the Delegates at a Special General Meeting and in either case after at least twenty eight (28) days written notice or such proposed repeal, amendment or addition shall have been given to the Members of the Association.