

THE ORIGINAL CONSTITUTION OF THE **MILDURA
SPEEDWAY DRIVERS CLUB** WAS UPDATED AND
AMENDED AT A SPECIAL GENERAL MEETING HELD ON
12/7/77;
AGAIN AT SPECIAL GENERAL MEETINGS ON **21/2/84;**
1/5/84; 23/5/90;
AND AT ANNUAL GENERAL MEETINGS HELD ON **4/7/90;**
8/7/92; AND 6/7/94;
AND AT A SPECIAL GENERAL MEETING HELD ON **22/3/95;**
AT A SPECIAL MEETING HELD ON **17/12/2004;**
AND AT A SPECIAL MEETING HELD ON **2/3/2005.**

1. NAME

The name shall be Mildura Speedway Drivers Club Incorporated.
(herein after called The Club).

2. AIMS AND OBJECTIVES

(a) To establish and maintain a speedway track for the purpose of conducting race meetings, and to build or erect thereon, clubrooms or other sheds or buildings for the benefit or purpose of The Club.

(b) To promote friendship and courtesy on the road, socially and in competition between club members.

(c) To encourage and promote in every way possible, the cause of road safety and accident prevention.

(d) To promote and engender social activities.

(e) To make such contributions to any charitable, relief, benefit, commemoration, or any memorable fund as The Club may desire.

3. INTERPRETATION

In these rules, words importing the masculine gender shall be deemed and taken to include the female gender, and the singular to include the plural, and the plural the singular, unless the contrary as to the gender or number is expressly provided.

4. CLASSES OF MEMBERSHIP

(a) **i) Ordinary Members:-** Those who have paid the prescribed fees and whose applications have not been rejected. Those members under the age of sixteen (16) who have paid the prescribed fees and whose applications have not been rejected, do not have the voting power to nominate.

ii) Nomination and election of ordinary members:- Every candidate for membership of The Club as an ordinary member shall be proposed and seconded by any two (2) members of The Club. Every proposal shall be made in writing to the treasurer of The Club on The Club's nomination form, and shall set forth the candidates full name, postal and residential address, and telephone number and shall be signed by the candidate and his proposer and seconder. Every candidate shall on nomination pay to the treasurer the entrance fee and subscription and until such payment, such nomination shall not be valid or considered by the committee.

Should the committee reject the nomination the entrance fee and subscription shall be repaid to the candidate in full. Any person under

the age of eighteen (18) years desirous of competing in The Club's track events must obtain the written consent of his parent or guardian and such consent is to be submitted on The Club's nomination form. The general committee reserves the right at any time to rescind permission of any driver to compete in The Club's track events.

All admissions for membership shall be read out at the committee of The Club after receipt of the prescribed nomination form and fees. He shall then be duly elected as an ordinary member subject to clause four (4) (a) (iii). Any new member is on probation until the following Annual General Meeting

iii) Objection to membership:- Any objection shall be put in writing and in the hands of the secretary by the Annual General meeting and shall require a majority vote to be carried.

b) Life members:- On the recommendation in writing of a current member, any current member of The Club who has been a financial member of The Club for a period of at least ten (10) years, and who in the opinion of the general committee has rendered meritorious service to The Club may be elected as a Life Member by a majority of members present at any committee meeting, and upon such election the member shall not be required to pay any further annual subscriptions. A certificate shall be presented to the elected life member at the following presentation night.

5. ENTRANCE FEES AND SUBSCRIPTIONS

Entrance fees and subscriptions shall be set at the Annual General Meeting of each year.

6. HONORARY MEMBERSHIP

Any person who is a member of any recognised speedway club, and any person who assists the Committee in conducting events held at The Club's track may apply for honorary membership, and any such application may be approved by any member of the Committee. The period of such honorary membership shall be for the date of the meeting.

7. INACCURACIES IN NOMINATION

Any omission from or inaccuracy or misrepresentation in the particulars relating to the candidate shall render his election voidable at any time at the discretion of the committee.

8. REGISTER OF MEMBERS

(a) The treasurer shall keep a register of all members of The Club setting forth in full the names, postal and residential addresses and telephone numbers of all members of The Club and the date of the latest payment by each member of his subscription and the names of his proposer and seconder.

(b) All subscriptions (other than the first subscription) shall be payable in advance, on the first day of July in each year. The first subscription and nomination fees shall be payable as prescribed in clause four (4).

9. FAILURE TO PAY SUBSCRIPTIONS

On the annual subscription becoming due, a notice shall be posted to each member not paying his subscription by the thirty-first (31) day of August of the financial year, and shall therefore cease to be a member of The Club. The General Committee shall have a discretionary power on receiving a satisfactory explanation, and on payment of the subscription due, may readmit the member without renomination or payment of an entrance fee.

10. ACQUIESCENCE

The payment of entrance fees and subscription implies and will be considered to imply a member's acquiescence in the rules and regulations, and the By-Laws of The Club.

11. MEMBERS RESIGNING

Any member may resign his membership at any time by notifying of his resignation in writing to the secretary and thereupon he shall ipso-facto cease to be a member of The Club, but no such resignation shall relieve any member from the payment of any subscription or any monies due or payable by him or his portion of any outstanding liabilities of The Club at the time of such resignation. The names of all members ceasing to be such shall be erased from the register of members and from the list of financial members. No member retiring from The Club or ceasing from any cause to be a member shall be entitled to or have any claim upon any portion whatsoever of the property of The Club.

12. MEMBERS REJOINING

Any person having ceased to be a member of his own volition wishing to rejoin must be nominated and may be elected in the prescribed manner, but it shall be at the discretion of the general committee to remit the whole or any portion of the entrance fee.

13. MISCONDUCT

If any member shall in the opinion of the majority of the members of the general committee present at any meeting thereof willfully infringe any of the general rules of The Club or any of the By-Laws or regulations of the Committee or if any member shall in the opinion of such majority be guilty of conduct, either within or without The Club, derogatory to the character of a gentleman or prejudicial to the interests of The Club, such majority of the general committee shall have absolute power to suspend such member for such period as it shall think fit, to reprimand or expel him from The Club, and in the latter event he shall cease to be a member of The Club. In lieu of expulsion, the general committee may request such member to resign and failing receipt by the secretary of his resignation within fourteen (14) days from the date of the general committee's decision the member shall be deemed to be expelled.

A majority of a quorum of the members of such general committee present at a duly convened meeting of the general committee shall be deemed a majority of the said general committee for the purpose of the constitution.

The President shall have the power at any time to call a special committee meeting to consider the alleged misconduct of any member.

Where a member has been expelled pursuant to this clause his name shall forthwith be removed from the register of members and from the list of financial members.

14. MANAGEMENT

(a) Subject to this constitution and from any directions from time to time given by a general meeting of members, the control and management of The Club shall be in the hands of the committee which shall be elected at the first Annual General Meeting of The

Club for a period of twelve (12) months. Elections will take place yearly at the Annual General Meeting of each year.

(b) The Committee shall consist of eleven (11) members with powers of co-option, including the President, Secretary and Treasurer.

(c) The Committee shall meet when called upon by the President and shall carry out such duties as are delegated to it by the general meeting of the members or by this constitution. The Secretary shall call a meeting of the committee at any time if required by a majority of the committee members.

(d) The composition of the committee shall be as follows:

EXECUTIVE

President -----	one (1)
Vice President -----	one (1)
Secretary -----	one (1)
Treasurer -----	one (1)
Publicity Officer -----	one (1)

	five (5)
General Committee -----	six (6)

	eleven (11)

With the approval of the committee, in total, the Secretary may elect to combine the office of secretary and treasurer, in this case the general committee shall be increased by one (1), but in no case is the full compliment to exceed eleven (11) as above. The present office bearers and committee men shall be and continue to hold office until the time of the next Annual General Committee Meeting to be held no later than the 14th day of July in each financial year.

(e) Powers of the committee: The committee has the power of the general running of The Club in accordance with this constitution, eg. appointment of officials for race meetings, settings of race dates, co-ordination of advertising, organization of race cars and drivers, fund raising if required. The committee may be guided by a majority of members at a general meeting.

(f) Any member of the committee, including the executive, may resign his position at any time by notifying his resignation in writing to the secretary, and he shall thereupon cease to be a member of the committee.

(g) The treasurer, under direction and approval of the committee will accept all money, issue receipts, keep a register of current members, pay accounts as approved by the committee, keep a cheque account and an investment account as approved by the committee, and present accurate accounts of The Clubs funds to the committee and general meetings.

15. AUDITORS

The committee shall engage an auditor whose duty shall be:

(a) To examine the books and records of The Club at least once a year.

(b) To certify the correctness or otherwise of The Clubs finances and to report on any matter which they may consider necessary.

16. INSPECTION OF BOOKS

Any member of The Club may inspect The Clubs books and documents upon prior notice to the secretary or treasurer, whoever is the appropriate custodian.

17. SUB-COMMITTEES

(a) The members of the committee may at any meeting form such sub-committees as are from time to time desirable.

(b) Any sub-committee formed shall be under the control and direction of the committee.

(c) The President, Secretary and Treasurer shall be ex-officio members of any such sub-committee formed, but shall not be considered as such in order to form a quorum.

18. CASUAL VACANCY

Any casual vacancy in the committee or sub-committee formed, shall be filled by the co-option of a member and shall hold office until the next succeeding Annual General Meeting.

19. COMMITTEE MEETINGS

Those entitled to attend committee meetings shall be

a) The Executive.

b) General Committee.

All of whom shall have equal voting power.

Committee meetings shall be held at such intervals as the executive shall determine. Where a committee person is absent from three (3) consecutive meetings, and no explanation is tendered, the committee may declare the office vacant and further, may appoint some other person to the vacancy for the remainder of the year.

20. GENERAL MEETINGS

A general meeting may be called at any time by the secretary or president as deemed necessary, by placing an advertisement in the local paper. Notices of motion put forward at such a meeting must be proposed and seconded by financial members of The Club, and a majority must vote in favour of the notice of motion.

21. ANNUAL GENERAL MEETINGS

The Annual General Meeting of The Club shall be held no later than the fourteenth (14) day of August each year and the time and place shall be publicly advertised.

Those entitled to attend shall be all members in clause (4) and shall have equal voting rights. The Annual General Meeting shall be chaired by the retiring President or the retiring Vice-President, and the order of business shall be;

- (a) Reading a submission of the minutes of the previous Annual General Meeting.
- (b) Consideration of general and financial reports of the past year.
- (c) Reading of the auditor's report.
- (d) Election of office bearers for the ensuing year;

All nominations for positions vacated by outgoing committee will be made in advance to the Secretary by 9.00pm, seven (7) days prior to the Annual General Meeting. Nominations will be displayed at a night called specifically for this purpose by the committee.

The night will be advertised through The Club's newsletter and the local newspaper. Nominations in writing signed by the nominator, nominee and seconder, will be accepted by the secretary who will determine their validity, i.e. all persons whose names appear on the nomination form are financial members of The Club.

The secretary will duly display all valid nominations received. The election of office bearers will be by secret ballot. Ballot counting will be scrutinised by two (2) financial members of The Club who are not nominated for any position. In the event of a tie a re-ballot will take place for those positions in which a tie occurred.

(e) Consideration of any matter of broad policy which may be permitted by the chairman.

22. SPECIAL GENERAL MEETING

A Special General Meeting will be called on receipt, by the secretary, of a requisition signed by ten (10) bonafide members. On receipt of such requisition, the secretary shall publicly advertise the time and place of such Special General Meeting. The date of such Special General Meeting shall no be more that fourteen (14) days from the date of receipt by the secretary of the requisition referred to.

Such Special General Meeting may be attended by all bonafide members who shall have equal voting rights and shall elect a chairman. The chairman shall confine the discussion to the specific matter for which the Special General Meeting was called.

23. QUORUM

The quorum necessary for several types of meetings shall be;

- (a) Committee -----five (5)
- (b) Annual General -----twenty (20)
- (c) Special General -----thirty (30)
- (d) General -----ten (10)

24. CHAIRMAN

The President shall preside at all general meetings of the Club when present and shall have a casting vote only, and may attend all sub-committee meetings. In the absence of the president and the vice-president, the quorum may appoint a temporary chairman, if the meeting has been called regularly by the executive.

24. SECRETARY

(a) Amount of remuneration (if any) of the secretary shall be determined by the committee.

- (b) Cheques shall bear the signature of any two (2) of the following – President, Secretary or Treasurer.
- 26. (VACANT)**
- 27. TROPHIES AND PRIZES**
- (a) The Club shall provide trophies for the top drivers of each section, up to third placing, for each season. Drivers of each section shall be awarded points in each race meeting held by The Club where each driver has an equal chance of winning, including heats and finals, but excluding mechanics, relay races, lap dashes and teams races. On feature nights and title events, points will be awarded at the General Committees discretion.
Points shall be awarded as per the A.S.C.F. system, which is as follows: 36...28...23...17...13...10...8...6...5...4...3...2...1...
- (b) In the event of equal first, second or third annual aggregate point winners, equal trophies, inscribed with equal position shall be presented to drivers concerned.
- (c) Sportsman and encouragement award trophies shall be awarded to drivers who gain the highest points over the season. Points are to be awarded on each race night and in each section as registered by the chief steward or his assistant. One point shall be awarded to one driver only, in each section, per speedway meeting.
- 28. BANK ACCOUNT**
A bank account shall be kept at any recognised bank as nominated by The Club.
- 29. FUND RAISING**
Funds for use by The Club may be raised from speedway meetings, raffles, auctions, social events, donations or any other means deemed appropriate by the committee.
- 30. MANAGEMENT OF FUNDS**
The management of funds of The Club will be carried out by the treasurer, under direction from the committee. All accounts received must be approved by a majority of the committee before payment will be made.

31. GENERAL COMMITTEE

The general committee shall have the power to make by-laws and to amend, alter or rescind such as the occasion may require. Such by-laws shall not be inconsistent with this constitution, but shall have the same force as if enacted in these rules. A breach of such by-laws may be cause for expulsion of a member on the grounds set out in clause twelve (12) of this constitution.

32. ALTERATION TO CONSTITUTION

The provision of this constitution and the statement of purposes may be altered, repeated or amended on the approval of three quarters (3/4) of the members of The Club present and entitled to vote at an Annual General Meeting or a special general meeting called for that purpose. Twenty-one (21) days notice of such a motion to alter the constitution or statement of purposes must be in writing to the secretary.

33. VOTING

Each member of the general committee shall have one (1) vote, but in the event of an equality of votes, the chairman shall have a casting vote in addition to his ordinary vote.

34. FINANCIAL YEAR END

The financial year of The Club will end on the 30th June each year.

35. (VACANT)**36. CLUB LIQUOR LICENCE**

The Club and all its members agree to abide by the Rules and Regulations of the Liquor Control Act 1987.

Schedule 1.

(a) The Club shall not make any payment of any amount to an officer or servant of The Club by way of commission or allowance from the receipts of The Club for the sale and disposal of liquor.

(b) A visitor to The Club must not be supplied with liquor in The Club premises unless in the company of a member of The Club or unless such supply is in accordance with the terms of a limited licence granted under the Liquor Control Act 1987.

(c) A person shall not:

- i) Be admitted as an honorary or temporary member of The Club or;
- ii) Be exempted from the obligation to pay the ordinary subscription for membership of The Club;

unless the person is of a class specified in these rules and the admission or exemption is in accordance with these rules.

(d) The Club shall provide a register which shall be used for keeping a record of visitors to The club and shall ensure that every member that introduces a visitor to The Club premises enters or causes to be entered in that register the name and address of the visitor and the name of the member introducing the visitor.

37. ADJOURNMENT FOR WANT OF A QUORUM

In every case of the meeting of members of The club, if after a lapse of half an hour, a quorum shall not be present the meeting shall thereupon stand adjourned ipso-facto until the following day (Sunday and public holidays excepted), and so on from time to time as often as the case shall happen until a quorum is present. All such meetings shall have the power to adjourn proceedings from time to time for any period not exceeding at any time one (1) month.

38. RESOLUTIONS BINDING ON ALL CLUB MEMBERS

All resolutions passed at properly constituted meetings of The Club shall be conclusive and binding on all members whether they shall be present at such meetings or not. It shall be the responsibility of a member introducing a non-member to any club function to ensure that all regulations, rules and by-laws of The Club are observed by such a visitor.

39. COMMON SEAL

The secretary of the Club shall have custody of the seal, to be used by the committee as necessary. The seal must be witnessed by two (2) committee members, usually the president and the secretary.

40. CUSTODY OF BOOKS

The custody of all books, securities, documents and records of The club shall be in the hands of the secretary and treasurer, or the historian as appropriate.

41. DISSOLUTION

The members of the association may at a special general meeting duly convened for that purpose resolve by special resolution that the association be wound up voluntarily. Thereafter the association shall be deemed to exist only for the purpose of winding up the business of the association and distributing the assets thereof as herein after provided. Upon winding up, the real and personal property of the association shall be applied firstly in payment of the cost and expenses of winding up, secondly, in payment of all just debts and liabilities of the association and the balance, if any, shall be given or transferred to the Victorian Speedway Council for the purpose of fostering speedway in Victoria and the real and personal property of the association so given or transferred will be applied by the Victorian Speedway Council for the benefit of some other club or association having similar objectives to the Mildura Speedway Drivers Club Inc. and the receipt by the secretary of the Victorian Speedway Council for any monies paid to him shall be a good and sufficient discharge.

42. DISPUTES AND MEDIATION

- (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 Club.
- (b) The parties to the dispute must meet and discuss the matter in dispute, and if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all 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 ten (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 –
 - i) in the case of a dispute between a member and another member, a person appointed by the committee of The Club; or
 - ii) in the case of a dispute between a member and The Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre or Victoria (Department of Justice).
- (e) A member of The Club can be a mediator.

- (f) The mediator cannot be a member who is a party to 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) give 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) ensure 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 otherwise at law.

43. PROXIES

Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than twenty-four (24) hours before the time of the meeting in respect of which the proxy is appointed.